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**BEFORE THE
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to
Revoke Probation Against:

Case No. 4602017000814

**TEJPAUL S. GHUMMAN
Alta View Animal Hospital
690 Showers Drive
Mountain View, CA 94040**

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

**Veterinarian License No. VET 10812
Premises Permit No. HSP 4645**

Respondent.

Complainant alleges:

PARTIES

1. Annemarie Del Mugnaio ("Complainant") brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Veterinary Medical Board, Department of Consumer Affairs.

Veterinary License

2. On or about June 15, 1990, the Veterinary Medical Board issued Veterinarian License Number VET 10812 to Tejpaul S. Ghumman ("Respondent"). The Veterinarian License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2018, unless renewed.

1 **Premises Permit**

2 3. On or about April 27, 1993, the Veterinary Medical Board issued Premises Permit
3 Number HSP 4645 to Respondent. The Premises Permit expired on May 31, 2017, and has not
4 been renewed.

5 **Prior Disciplinary Action**

6 4. In a disciplinary action entitled "*In the Matter of the Accusation Against: Tejapaul*
7 *Ghumman*," Case No. AV 2013 29, the Veterinary Medical Board issued a Decision and Order
8 effective April 19, 2014, in which Respondent's Veterinarian License was revoked. However, the
9 revocation was stayed and Respondent's Veterinarian License was placed on probation for four
10 (4) years with certain terms and conditions. A copy of that Decision and Order is attached as
11 Exhibit A and is incorporated by reference.

12 **JURISDICTION PROVISIONS FOR ACCUSATION**

13 5. This Accusation is brought before the Veterinary Medical Board ("Board"),
14 Department of Consumer Affairs, under the authority of the following laws. All section
15 references are to the Business and Professions Code ("Code") unless otherwise indicated.

16 6. Section 4875 of the Code provides, in pertinent part, that the Board of Veterinary
17 Medicine may revoke or suspend the license of any person to practice veterinary medicine, or any
18 branch thereof, in this state for any causes provided in the Veterinary Medicine Practice Act (Bus.
19 & Prof. Code, ' 4800, et seq.). In addition, the Board has the authority to assess a fine not in
20 excess of \$5,000 against a licensee for any of the causes specified in section 4883 of that code.
21 Such fine may be assessed in lieu of, or in addition to, a suspension or revocation.

22 7. Section 4853.6 of the Code provides, in pertinent part, that the Board shall withhold,
23 suspend or revoke registration of veterinary premises when the license of the licensee manager to
24 practice veterinary medicine is revoked or suspended.

25 **STATUTORY AND REGULATORY PROVISIONS FOR ACCUSATION**

26 8. Section 4883 [**Denial, revocation, or suspension of license or registration;**
27 **Grounds**] of the Code states:

28 ///

1 "The board may deny, revoke, or suspend a license or assess a fine as provided in Section
2 4875 for any of the following:

3 ...

4 "(f) False or misleading advertising.

5 "(g) Unprofessional conduct, that includes, but is not limited to, the following:

6 "(3) A violation of any federal statute, rule, or regulation or any of the statutes,
7 rules, or regulations of this state regulating dangerous drugs or controlled substances.

8 "(h) Failure to keep one's premises and all equipment therein in a clean and sanitary
9 condition.

10 "(i) Fraud, deception, negligence, or incompetence in the practice of veterinary medicine.

11 ..."

12 9. California Code of Regulations ("CCR"), title 16, section 2032 [**Minimum**
13 **Standards of Practice**] states:

14 "The delivery of veterinary care shall be provided in a competent and humane manner. All
15 aspects of veterinary medicine shall be performed in a manner consistent with current veterinary
16 medical practice in this state."

17 10. California Code of Regulations, title 16, section 2032.05 [**Humane Treatment**]
18 states:

19 "When treating a patient, a veterinarian shall use appropriate and humane care to minimize
20 pain and distress before, during and after performing any procedure(s)."

21 11. California Code of Regulations, title 16, section 2032.1 [**Veterinarian-Client-**
22 **Patient Relationship**], states:

23 "(a) It is unprofessional conduct for a veterinarian to administer, prescribe, dispense or
24 furnish a drug, medicine, appliance, or treatment of whatever nature for the prevention, cure, or
25 relief of a wound, fracture or bodily injury or disease of an animal without having first established
26 a veterinarian-client-patient relationship with the animal patient or patients and the client, except
27 where the patient is a wild animal or the owner is unknown.

28 "(b) A veterinarian-client-patient relationship shall be established by the following:

1 “(1) The client has authorized the veterinarian to assume responsibility for making
2 medical judgments regarding the health of the animal, including the need for medical treatment.

3 “(2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general
4 or preliminary diagnosis of the medical condition of the animal(s). This means that the
5 veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of
6 the animal or by medically appropriate and timely visits to the premises where the animals are
7 kept, and

8 “(3) The veterinarian has assumed responsibility for making medical judgments regarding
9 the health of the animal and has communicated with the client a course of treatment appropriate
10 to the circumstances.

11 “(c) A drug shall not be prescribed for a duration inconsistent with the medical condition
12 of the animal(s) or type of drug prescribed. The veterinarian shall not prescribe a drug for a
13 duration longer than one year from the date the veterinarian examined the animal(s) and
14 prescribed the drug.

15 “(d) As used herein, ‘drug’ shall mean any controlled substance as defined by Section
16 4021 of the Business and Professions code, and any dangerous drug, as defined by Section 4022
17 of Business and Professions code.

18 12. California Code of Regulations, title 16, section 2032.3, [**Record Keeping; Records;**
19 **Contents; Transfer**] states:

20 “(a) Every veterinarian performing any act requiring a license pursuant to the provisions of
21 Chapter 11, Division 2, of the code, upon any animal or group of animals shall prepare a legible,
22 written or computer generated record concerning the animal or animals which shall contain the
23 following information:

24 (1) Name or initials of the person responsible for entries.

25 (2) Name, address and phone number of the client.

26 (3) Name or identity of the animal, herd or flock.

27 (4) Except for herds or flocks, age, sex, breed, species, and color of the animal.

28 (5) Dates (beginning and ending) of custody of the animal, if applicable.

1 (6) A history or pertinent information as it pertains to each animal, herd, or
2 flock's medical status.

3 (7) Data, including that obtained by instrumentation, from the physical
4 examination.

5 (8) Treatment and intended treatment plan, including medications, dosages and
6 frequency of use.

7 (9) Records for surgical procedures shall include a description of the
8 procedure, the name of the surgeon, the type of sedative/anesthetic agents used, their
9 route of administration, and their strength if available in more than one strength.

10 (10) Diagnosis or tentative diagnosis at the beginning of custody of animal.

11 (11) If relevant, a prognosis of the animal's condition.

12 (12) All medications and treatments prescribed and dispensed, including
13 strength, dosage, route of administration, quantity, and frequency of use.

14 (13) Daily progress, if relevant, and disposition of the case.

15 "(b) Records shall be maintained for a minimum of 3 years after the animal's last visit. A
16 summary of an animal's medical records shall be made available to the client within five (5) days
17 or sooner, depending if the animal is in critical condition, upon his or her request. The summary
18 shall include:

19 (1) Name and address of client and animal.

20 (2) Age, sex, breed, species, and color of the animal.

21 (3) A history or pertinent information as it pertains to each animal's medical
22 status.

23 (4) Data, including that obtained by instrumentation, from the physical
24 examination.

25 (5) Treatment and intended treatment plan, including medications, their dosage
26 and frequency of use.

27 (6) All medications and treatments prescribed and dispensed, including
28 strength, dosage, quantity, and frequency.

1 (7) Daily progress, if relevant, and disposition of the case.

2 "(c)(1) Radiographs are the property of the veterinary facility that originally ordered them
3 to be prepared. Radiographs shall be released to another veterinarian upon the request of another
4 veterinarian who has the authorization of the client. Radiographs shall be returned to the
5 veterinary facility which originally ordered them to be prepared within a reasonable time upon
6 request. Radiographs originating at an emergency hospital shall become the property of the next
7 attending veterinary facility upon receipt of said radiograph(s). Transfer of radiographs shall be
8 documented in the medical record.

9 ...

10 "(d) Laboratory data is the property of the veterinary facility which originally ordered it to
11 be prepared, and a copy shall be released upon the request of the client.

12 ..."

13 13. California Code of Regulations, title 16, section 2032.4 [**Anesthesia**] states:

14 "(a) General anesthesia is a condition caused by the administration of a drug or
15 combination of drugs sufficient to produce a state of unconsciousness or dissociation and blocked
16 response to a given pain or alarming stimulus.

17 "(b) When administering general anesthesia, a veterinarian shall comply with the
18 following standards:

19 "(1) Within twelve (12) hours prior to the administration of a general anesthetic, the
20 animal patient shall be given a physical examination by a licensed veterinarian appropriate for the
21 procedure. The results of the physical examination shall be documented in the animal patient's
22 medical records.

23 "(2) An animal under general anesthesia shall be observed for a length of time appropriate
24 for its safe recovery.

25 "(3) Provide respiratory monitoring including, but not limited to, observation of the
26 animal's chest movements, observation of the rebreathing bag or respirometer.

27 "(4) Provide cardiac monitoring including, but not limited to, the use of a stethoscope,
28 pulseoximeter or electrocardiographic monitor.

1 “(5) When administering general anesthesia in a hospital setting, a veterinarian shall have
2 resuscitation or rebreathing bags of appropriate volumes for the animal patient and an assortment
3 of endotracheal tubes readily available.

4 “(6) Records for procedures involving general anesthesia shall include a description of the
5 procedure, the name of the surgeon, the type of sedative and/or anesthetic agents used, their route
6 of administration, and their strength if available in more than one strength.

7 14. Section 4037 [**Pharmacy**] of the Code states:

8 “(a) ‘Pharmacy’ means an area, place, or premises licensed by the board [California State
9 Board of Pharmacy] in which the profession of pharmacy is practice and where prescriptions are
10 compounded. ‘Pharmacy’ includes, but is not limited to, any area, place, or premises described in
11 a license issued by the board wherein controlled substances, dangerous drugs, or dangerous
12 devices are stored, possessed, prepared, manufactured, derived, compounded or repackaged, and
13 from which the controlled substances, dangerous drugs, or dangerous devices are furnished, sold
14 or dispensed at retail.

15 ...”

16 15. Section 4051 [**Unlawful acts; Permitted functions for pharmacists**] of the Code
17 states:

18 “(a) Except as otherwise provided in this chapter, it is unlawful for any person to
19 manufacture, compound, furnish, sell, or dispense a dangerous drug or dangerous device, or to
20 dispense or compound a prescription pursuant to Section 4040 of a prescriber unless he or she is a
21 pharmacist under this chapter.

22 ...”

23 16. Section 4110 [**License requirements**] of the Code states:

24 “(a) No person shall conduct a pharmacy in the State of California unless he or she has
25 obtained a license from the board. A license shall be required for each pharmacy owned or
26 operated by a specific person. A separate license shall be required for each of the premises of any
27 person operating a pharmacy in more than one location. The license shall be renewed annually.

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1 The board may, by regulation, determine the circumstances under which a license may be
2 transferred.

3 ...”

4 **COST RECOVERY**

5 17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
10 included in a stipulated settlement.

11 **STATEMENT OF FACTS REGARDING “LENA”**

12 18. On March 27, 2017, owner Van V. took her 13-year-old canine “Lena” to Respondent
13 for complaints of vomiting and diarrhea. Lena had a history of pancreatitis, that had previously
14 responded to intravenous fluids and medications.

15 19. Two separate records were kept by Respondent for his care of Lena. One was a
16 handwritten note dated March 27, 2017. This record was incomplete as it failed to include the
17 initials or name of the individual who took Lena’s history; failed to document her breed, species,
18 color and whether her weight was in pounds or kilograms; failed to document the owner’s full
19 name, address and phone number; failed to document physical examination findings; failed to
20 document an assessment and/or diagnosis; failed to document a treatment plan and/or intended
21 treatment plan; and failed to document a disposition of the case.

22 20. Respondent also kept an electronic medical record (“EMR”) on Lena. On the EMR,
23 he documented that on March 27, 2017, Lena had a tender/painful abdomen and was dehydrated.
24 Her weight was recorded to be 13.6 pounds. Respondent recommended keeping Lena overnight.
25 He also recommended blood work, a urinalysis and full body radiographs, with such testing being
26 declined by the owner.

27 21. Treatment consisted of intravenous fluids, antibiotics, and administration of an anti-
28

1 nausea medication. At 11:50 a.m., Respondent gave Lena 10 milligrams of Metacam.¹ However,
2 the oral dose of Metacam administered was 8 to 16 times that recommended based on Lena's
3 weight.

4 22. On March 28, 2017, at approximately 1:30 p.m., Respondent called Ms. V. to come
5 to his clinic as Lena was reported to be in critical condition. Without the owner's consent and/or
6 knowledge, Respondent sent out blood work, a urinalysis, completed x-rays and performed an
7 abdominocentesis on Lena. The owner was billed and paid for the unauthorized testing.

8 23. At 1:30 p.m., Respondent administered 4 milligrams of Dexate.² Respondent failed
9 to document the brand name and/or concentration of the Dexate administered intravenously and
10 the medication was contraindicated as Lena had received Metacam without an adequate "washout
11 period" between administration of these drugs.³

12 24. Ms. V. arrived promptly at Respondent's clinic and requested to take Lena to another
13 facility. Respondent prepared Lena for transfer and gave her an unknown amount/concentration
14 of "Heparinized IV." Respondent documented that Lena's condition started to deteriorate rapidly
15 with a heartbeat of 60 beats per minute. He took Lena into the surgery room to give oxygen by
16 mask and administered an unknown concentration of Epinephrine.⁴ Respondent did not initiate
17 chest compressions or ventilations. Instead, he administered 10 milligrams of Dopram,⁵ a
18 medication not indicated given Lena's condition. At 3:15 p.m., Respondent documented that
19 Lena had agonal breathing. She expired shortly thereafter.

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21
22 ¹ Metacam is a non-steroidal medication with a recommended dose of 0.1 to 0.2
milligrams per kilogram. It is to be administered once a day.

23 ² Dexate is the trade name for dexamethasone, a corticosteroid. It has not been
24 manufactured or been available for purchase for several years.

25 ³ "Washout period" refers to an amount of time between administering different drugs to
ensure that they do not cross-react and cause untoward side-effects.

26 ⁴ Epinephrine is used in cardiac resuscitation. It comes in a dose of 1:1000 (1 gram in
27 1000 milliliters) or 1:10000 (1 gram in 10000 milliliters).

28 ⁵ Dopram is a medication prescribed to stimulate breathing during and/or after anesthesia
and/or to initiate breathing in newborns.

1 25. On April 11, 2017, Ms. V. requested Lena's medical records. On April 18, 2017, the
2 owner received an incomplete set of Lena's records.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Negligence/Incompetence – Medication Administration)

5 26. Respondent is subject to discipline for negligence and/or incompetence pursuant to
6 Code section 4883, subdivision (i), based on:

7 A. Administration of an excessive dose of Metacam given Lena's weight.

8 B. Administration of Dexate intravenously without waiting the requisite "washout
9 period."

10 C. Administration of Dopram, a medication not indicated given Lena's critical condition.
11 The facts in support of this cause for discipline are set forth above in paragraphs 21, 23 and 24.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Negligence – Failure to Institute Appropriate Resuscitation)

14 27. Respondent is subject to discipline for negligence pursuant to Code section 4883,
15 subdivision (i), in that he failed to initiate chest compressions, provide appropriate ventilation,
16 including intubation, and/or failed to administer additional doses of Epinephrine in response to
17 Lena's deteriorating cardiac status. The facts in support of this cause for discipline are set forth
18 above in paragraph 24.

19 **THIRD CAUSE FOR DISCIPLINE**

20 (Deception-Animal Records)

21 28. Respondent is subject to discipline for deception pursuant to Code section 4883,
22 subdivision (i), in that his hand written records were significantly different from the EMR that
23 was allegedly concurrently maintained on Lena and presented to the Board. The facts in support
24 of this cause for discipline are set forth above in paragraphs 19 through 24.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 (Deception-Performing and Billing Owner for Unauthorized Testing)

27 29. Respondent is subject to discipline for deception pursuant to Code section 4883,
28 subdivision (i), in that he performed and billed Lena's owner for blood tests, a urinalysis, full

body x-rays and an abdominocentesis without the owner's consent and/or knowledge. The facts in support of this cause for discipline are set forth above in paragraphs 20 and 22.

FIFTH CAUSE FOR DISCIPLINE

(Record Keeping Violations)

30. Respondent is subject to discipline for unprofessional conduct pursuant to Code section 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the March 27, 2017 handwritten records on Lena failed to include the following:

A. The initials or names of the person(s) who took the history of Lena's presenting problems as required by CCR section 2032.3(a)(1).

B. The name, address and phone number of the owner as required by CCR section 2032.3(a)(2).

C. The breed, species, color of Lena as required by CCR section 2032.3(a)(4).

D. Whether Lena's weight as referenced was in pounds or kilograms as required by CCR, title 16, section 2032.3(a)(7).

E. Documentation regarding physical examination findings of Lena as required by CCR, title 16, section 2032.3(a)(7).

F. Documentation of assessment and/or diagnosis of Lena's condition as required by CCR, title 16, section 2032.3(a)(10).

G. Documentation of a treatment plan and/or intended treatment plan for Lena as required by CCR, title 16, section 2032.3(a)(8).

H. Documentation of a disposition of the case and/or prognosis as required by CCR, title 16, sections 2032.3(a)(11) and (a)(13).

The facts in support of this cause for discipline are set forth above in paragraph 19.

SIXTH CAUSE FOR DISCIPLINE

(Medication Charting Omissions)

31. Respondent is subject to discipline for unprofessional conduct pursuant to Code section 4883, subdivision (i) and CCR, title 16, section 2032.3, in that the medical records he failed to document:

1 36. On May 6, 2016, BooBoo presented with no improvement. Respondent ordered an
2 ACTH stimulation test to rule-out Cushing's disease.⁶ A urine culture showed a small amount of
3 Pseudomonas bacteria that displayed resistance to several common antibiotics.

4 37. On May 10, 2016, BooBoo was seen by Respondent. The ACTH stimulation test
5 result was "equivocal." Respondent prescribed Vetoryl however, there is no documentation that
6 he counseled the owner regarding the risk of starting the medication without a confirmed
7 diagnosis of Cushing's disease.⁷ The urine infection was treated with Ciprofloxacin when
8 Marbofloxacin, a medication specifically prescribed for canine urinary infections should have
9 been prescribed.⁸ Respondent documented that he consulted with another veterinarian, Dr. S.,
10 and a veterinarian who specialized in internal medicine. However, BooBoo's medical records did
11 not contain any contemporaneous notes from these consultants.

12 38. On June 11, 2016, Respondent repeated blood testing, including another ACTH
13 stimulation test. According to Respondent's notes, another veterinarian Dr. G. was present and
14 examined BooBoo. However, BooBoo's records did not contain any contemporaneous notes
15 from this consultant. The ACTH stimulation test result was normal. Blood work indicated an
16 infection, with elevated liver enzymes and abnormal electrolytes values.

17 39. On or about June 13, 2016, Ms. B. requested a full copy of BooBoo's records be sent
18 to Dr. B., her consulting veterinarian. Respondent's clinic forwarded only laboratory test results,
19 omitting the examination notes. Based on a discussion with the owner, Dr. B. recommended that
20 BooBoo be taken to a 24-hour clinic for immediate evaluation. A veterinarian at the 24-hour
21 clinic examined BooBoo on June 14, 2016, and immediately ordered an abdominal ultrasound.

22
23 ⁶ Cushing's disease is a disease of the adrenal glands that causes overactive steroid
24 production.

25 ⁷ Vetoryl is an adrenocortical suppressant used to treat the symptoms of Cushing's
26 disease. It is indicated when there is a confirmed, not presumptive diagnosis, of Cushing's
27 disease, and be a dangerous medication and cause life-threatening side effects if prescribed
28 inappropriately.

⁸ Marbofloxacin is labelled for use in dogs with urinary tract infections, whereas
Ciprofloxacin has an extra-label use in dogs and has a known poor and widely variable rate of
absorption especially when given orally.

1 The test revealed a large liver mass. After consultation, the owner elected humane euthanasia for
2 BooBoo.

3 40. BooBoo's owner requested complete records on multiple occasions. She called
4 Respondent's clinic with a request for records on June 13, 2016 and was sent only BooBoo's
5 laboratory test results. On July 2, 2016, the owner sent another request for BooBoo's complete
6 records by certified mail. The records were not received until July 16, 2016.

7 **EIGHTH CAUSE FOR DISCIPLINE**

8 (Negligence- Failure to Counsel Owner Regarding Medication)

9 41. Respondent is subject to discipline for negligence pursuant to Code section 4883,
10 subdivision (i), in that he failed to counsel the owner of the risks associated with starting BooBoo
11 on the medication Vetoryl without a confirmed diagnosis of Cushing's disease. The facts in
12 support of this cause for discipline are set forth above in paragraph 37.

13 **NINTH CAUSE FOR DISCIPLINE**

14 (Incompetence- Failure to Treat Urinary Infection with Appropriate Medication)

15 42. Respondent is subject to discipline for incompetence pursuant to Code section 4883,
16 subdivision (i), in that he treated BooBoo's urinary infection with Ciprofloxacin instead of
17 Marbofloxacin, an antibiotic with known absorption properties and safety margin for treatment
18 of canine urinary infections. The facts in support of this cause for discipline are set forth above in
19 paragraph 37.

20 **TENTH CAUSE FOR DISCIPLINE**

21 (Deception-Animal Records)

22 43. Respondent is subject to discipline for deception pursuant to Code section 4883,
23 subdivision (i), in that Respondent referenced consulting veterinarians regarding BooBoo's
24 condition on May 10 and June 11, 2016 however, the submitted records do not include any
25 consultant notes. The facts in support of this cause for discipline are set forth above in paragraphs
26 37 and 38.

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 (Record Keeping Violations)

3 44. Respondent is subject to discipline for unprofessional conduct pursuant to Code
4 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records failed to
5 include:

6 A. The name, address and phone number of the client as required by CCR, title 16,
7 section 2032.3(a)(2).

8 B. The sex, breed species or color of BooBoo as required by CCR, section 2032.3(a)(4).

9 C. The name and dosage of the medication administered on April 23, 2016 as required
10 by CCR, title 16, section 2032.3.

11 D. Physical examination findings and/or reports of consulting veterinarians that
12 Respondent allegedly consulted with regarding BooBoo's condition on May 10 and June 11, 2016
13 as required by CCR, title 16, section 2032.3(a)(7).

14 The facts in support of this cause for discipline are set forth above in paragraph 34, 35, 37
15 and 38.

16 **TWELFTH CAUSE FOR DISCIPLINE**

17 (False and Misleading Advertising and/or Deception)

18 45. Respondent is subject to discipline for false and misleading advertising pursuant to
19 Code section 4883, subdivision (f), and/or for deception pursuant to section 4883, subdivision (i),
20 in that he represented that he was a member of the AAHA and that his facility was an AAHA
21 accredited hospital, when such representations were false and misleading. The facts in support of
22 this cause for discipline are set forth above in paragraph 33.

23 **THIRTEENTH CAUSE FOR DISCIPLINE**

24 (Failure to Timely Provide Owner with Records)

25 46. Respondent is subject to discipline for unprofessional conduct pursuant to Code
26 section 4883, subdivision (i) and CCR, section 2032.2, subdivision (b), in that he failed to timely
27 provide the owner with complete records when requested. The facts in support of this cause for
28 discipline are set forth above in paragraphs 39 and 40.

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48. Sabrina presented on September 26, 2012 for complaints of straining on urination, drinking excessively and weight loss.

50. Respondent also kept an EMR on Sabrina that was subsequently turned over to the Board. For the visit on September 26, 2012, Respondent documented a presumptive diagnosis of urinary tract infection and ordered a urinalysis and blood work. Testing did not include a urine culture and/or recommendation to the owner that a urine culture be performed to confirm the diagnosis. Respondent treated Sabrina with 20 milligrams of a subcutaneous injection of Baytril.⁹ Based on Sabrina's weight of 6.06 pounds she should have received no more than 13.7 milligrams of Baytril. Respondent also prescribed a 10-day course of Baytril 22 milligrams to be taken daily, a dose that translated to 8 milligrams per kilogram. He also advised the owner to give "fluids at home. 150 mil q 48" without documentation as to the type of fluids to be administered. Urinalysis results on September 26, 2012, were consistent with a possible urinary tract infection.

⁹ Baytril is an antibiotic and indicated only for a confirmed urinary tract infection in felines. The recommended dose is 5 milligrams per kilogram. A dose greater than 5 milligrams per kilogram can cause blindness in felines.

1 test to determine if a feline has a urinary tract infection. Laboratory testing was again ordered,
2 but did not include a urine culture. There was no evidence in the record that these lab results were
3 ever discussed with the owner.

4 **FOURTEENTH CAUSE FOR DISCIPLINE**

5 (Negligence – Medication Administration)

6 52. Respondent is subject to discipline for negligence pursuant to Code section 4883,
7 subdivision (i), based on his prescribing doses of Baytril that were excessive given Sabrina's
8 weight. The facts in support of this cause for discipline are set forth above in paragraph 50.

9 **FIFTEENTH CAUSE FOR DISCIPLINE**

10 (Negligence – Medication Prescribed without Confirmation of Diagnosis)

11 53. Respondent is subject to discipline for negligence pursuant to Code section 4883,
12 subdivision (i), in that without a definitive diagnosis of a urinary tract infection, he prescribed
13 Baytril. The facts in support of this cause for discipline are set forth above in paragraph 50.

14 **SIXTEENTH CAUSE FOR DISCIPLINE**

15 (Negligence – Failure to Order and/or Recommend Urine Culture)

16 54. Respondent is subject to discipline for negligence pursuant to Code section 4883,
17 subdivision (i), in that he failed to recommend a urine culture, required to definitively diagnose if
18 Sabrina had a urinary tract infection. The facts in support of this cause for discipline are set forth
19 above in paragraphs 50 and 51.

20 **SEVENTEENTH CAUSE FOR DISCIPLINE**

21 (Deception-Animal Records)

22 55. Respondent is subject to discipline for deception pursuant to Code section 4883,
23 subdivision (i), in that his hand written records were significantly different from the EMR
24 allegedly maintained on Sabrina which was presented to the Board. The facts in support of this
25 cause for discipline are set forth above in paragraphs 49 through 51.

26 **EIGHTEENTH CAUSE FOR DISCIPLINE**

27 (False and Misleading Advertising and/or Deception)

28 56. Respondent is subject to discipline for false and misleading advertising pursuant to

Code section 4883, subdivision (f), and/or for deception pursuant to section 4883, subdivision (i), in that he represented that he was a member of the AAHA and that his facility was an AAHA accredited hospital, when such representations were false and misleading. The facts in support of this cause for discipline are set forth above in paragraph 47.

NINETEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Record Keeping Violations)

57. Respondent is subject to discipline for unprofessional conduct pursuant to Code sections 4883, subdivision (i), 4885, and CCR, title 16, section 2032.3, in that the handwritten record on Sabrina on September 26, 2012, failed to include the following:

A. The initials or name of the individual who took the history of Sabrina presenting problems as required by CCR, title 16, section 2032.3(a)(1).

B. Documentation regarding physical examination findings as required by CCR, title 16, section 2032.3(a)(7).

C. Documentation of assessment and/or diagnosis as required by CCR, title 16, section 2032.3(a)(10).

D. Documentation of a treatment plan and/or intended treatment plan as required by CCR, title 16, section 2032.3(a)(8).

E. Documentation of a tentative diagnosis and/or diagnosis as required by CCR, title 16, section 2032.3(a)(10).

F. Documentation regarding the type of fluid that the owner was to administer as required by CCR, title 16, section 2032.3(a)(12).

G. Discussion with the owner of the lab results from the September 26, 2012 clinic visit required by CCR, title 16, section 2032.3(a)(7).

H. The name, address and phone number of the client, as required by CCR, title 12, section 2032.3(a)(2).

The facts in support of this cause for discipline are set forth above in paragraph 49.

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1 **STATEMENT OF FACTS REGARDING “KATY”**

2 58. On September 26, 2012, Beata S. completed a Patient/Client Information Sheet and
3 Animal Medical History form that she was the owner of “Katy” a 4 to 5-year old feline. These
4 forms had the trademark of the American Animal Hospital Association (“AAHA”), the
5 accrediting body for companion animal hospitals in the United States and Canada. Respondent
6 has never been a member of the AAHA and his facility has never been an accredited AAHA
7 hospital.

8 59. On April 5, 2013, Katy presented to Respondent with complaints of loss of appetite,
9 decreased activity and hair loss. Two separate sets of records were kept by Respondent. One
10 consisted of a handwritten note for the visit on April 5, 2013. The record was incomplete as there
11 were no initials or name of the individual who took the history; erroneously referred to Katy as
12 being a male; erroneously referred to Katy being 2 years of age; failed to document a physical
13 examination; failed to include a treatment plan or intended treatment plan; and failed to include
14 any diagnosis.

15 60. Respondent also kept an EMR on Katy that was subsequently turned over to the
16 Board. For the visit on April 5, 2013, Respondent documented a limited physical examination
17 and noted her weight as 9 pounds. He diagnosed her with miliary dermatitis.¹⁰ Respondent
18 treated Katy with 30 mg of Baytril, an antibiotic not indicated for dermatitis. The recommended
19 dose of Baytril in felines is no more than 5 milligrams per kilogram, with Respondent’s dose
20 equivalent to 7.33 milligrams per kilogram. The following day, Respondent again administered
21 30 milligrams of Baytril to Katy.

22 **TWENTIETH CAUSE FOR DISCIPLINE**

23 (Negligence – Medication Administration)

24 61. Respondent is subject to discipline for negligence pursuant to Code section 4883,
25 subdivision (i), based on his prescribing doses of Baytril that were excessive given Katy’s weight
26 and were not indicated for a diagnosis of miliary dermatitis. The facts in support of this cause for
27

28 ¹⁰ Miliary dermatitis is a general terms used to describe a skin condition in felines that commonly results from an allergic reaction.

discipline are set forth above in paragraph 60.

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Record Keeping Violations)

62. Respondent is subject to discipline for unprofessional conduct pursuant to Code sections 4883, subdivision (i), 4885, and CCR, title 16, section 2032.3, in that the handwritten record on Katy for April 5, 2013, failed to include the following:

A. The initials or name of the individual who took the history of Katy's presenting problems as required by CCR, title 16, section 2032.3(a)(1).

B. Documentation regarding physical examination findings as required by CCR, title 16, section 2032.3(a)(7).

C. Documentation of assessment and/or diagnosis as required by CCR, title 16, section 2032.3(a)(10).

D. Documentation of a treatment plan and/or intended treatment plan as required by CCR, title 16, section 2032.3(a)(8).

E. Documentation of a tentative diagnosis and/or diagnosis as required by CCR, title 16, section 2032.3(a)(10).

F. Accurate gender and age of Katy as required by CCR, title 16, section 2032.3(a)(4).

G. The name, address and phone number of the client, as required by CCR, title 16, section 2032.3(a)(2).

The facts in support of this cause for discipline are set forth above in paragraph 59.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(False and Misleading Advertising and/or Deception)

63. Respondent is subject to discipline for false and misleading advertising pursuant to Code section 4883, subdivision (f), and/or for deception pursuant to Code section 4883, subdivision (i), in that he represented that he was a member of the AAHA and that his facility was an AAHA accredited hospital, when such representations were false and misleading. The facts in support of this cause for discipline are set forth above in paragraph 58.

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1 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

2 (Deception-Animal Records)

3 64. Respondent is subject to discipline for deception pursuant to Code section 4883,
4 subdivision (i), in that his hand written records were significantly different from the EMR
5 allegedly maintained on Katy which was presented to the Board. The facts in support of this
6 cause for discipline are set forth above in paragraphs 58 through 60.

7 **RECORDS REVIEWED FROM INSPECTION BY THE**
8 **VETERINARY MEDICAL BOARD**

9 65. On or about February 17, 2017, the Board conducted an inspection of Respondent's
10 clinic. As part of that inspection, animal care records were selected for review. Included below
11 are the Statement of Facts regarding violations in the standard of care and deficiencies found in
12 these records.

13 **STATEMENT OF FACTS REGARDING "JOONEY"**

14 66. On September 25, 2014, Previn B. took her 6-month old canine Jooney to
15 Respondent's clinic to be spayed and completed a Patient/Client Information Sheet and Animal
16 Medical History form as the owner of Jooney. These forms had the trademark of the American
17 Animal Hospital Association ("AAHA"), the accrediting body for companion animal hospitals in
18 the United States and Canada. Respondent has never been a member of the AAHA and his
19 facility has never been an accredited AAHA hospital.

20 67. Two separate sets of records were kept by Respondent. The handwritten record for
21 Jooney on September 25, 2014 failed to document that a required physical examination and/or
22 assessment was completed prior to his surgery. There were no initials of the individuals who
23 made entries in the handwritten record. The EMR also fails to record any pre-surgical physical
24 examination on Jooney.

25 68. On the day of the surgery, Jooney was given an oral dose of 65 milligrams of
26 Metacam, a non-steroidal anti-inflammatory. The following day, without indication, Respondent
27 prescribed a 10-day course of 100 milligrams of Rimadyl, another anti-inflammatory medication.
28 The handwritten medical records make no mention of the Rimadyl prescription.

69. On October 9, 2014, Jooney presented for vaccinations. Respondent failed to document a history, physical examination, intended treatment plan or assessment on either the handwritten record or the EMR. The record made reference to de-worming but there was no reference to the drug, dose or route of administration of the de-worming medication.

70. On November 10, 2014, Jooney presented for vaccinations. Respondent failed to document a history, physical examination, intended treatment plan or assessment on either the handwritten record or the EMR. The handwritten medical record indicated that Jooney had been given the DHLPP¹¹ vaccination however, the EMR indicated that the DHP-PV¹² vaccination was given.

71. From November 20, 2014 to December 1, 2014, Jooney was boarded at Respondent's facility. On November 28, 2014, the handwritten record referenced that Jooney was given "0.25 cc Ace sq"¹³ for anxiety. There are no initials in the record to indicate who administered the anti-anxiety medication. The EMR made no reference to this medication being administered. There is no documentation that administration of this medication was authorized by Jooney's owner and/or that there had been any discussions with the owner regarding anxiety issues/problems.

72. On December 4, 2014, Jooney was prescribed Metronidazole¹⁴ 250 milligrams for "loose, blood stool." Respondent failed to document a history, physical examination, intended treatment plan or assessment on either the handwritten record or the EMR.

73. On April 6, 2015, Jooney presented for examination of her back paws. The handwritten record has a history, but no initials/name of the person responsible for the entry. The EMR reference is unclear as it noted that her "pelvic digits are mild inflamed (sic) at nail bed." Jooney was sent home on oral antibiotics and the owner was instructed to apply Neosporin, without any specific instructions as to its application.

¹¹ The DHLPP vaccination includes distemper, hepatitis, leptospirosis, parvovirus and parainfluenza.

¹² The DHP-PV vaccination includes distemper, adenovirus, parvovirus and parainfluenza.

¹³ "Ace" is shorthand for the anti-anxiety sedative medication Acepromazine.

¹⁴ Metronidazole is an antibiotic/antiprotozoal prescribed medication for bacterial and/or parasitic infections.

1 74. On May 12, 2015, Jooney was given a Bordetella vaccine. Respondent failed to
2 document a history, physical examination, intended treatment plan or assessment on either the
3 handwritten record or the EMR.

4 75. On April 19, 2016, Jooney presented for vaccinations. There is a limited physical
5 examination documented on the handwritten medical record, but no history, intended treatment
6 plan or assessment documented.

7 76. On October 25, 2016, Jooney presented for vaccinations. Respondent failed to
8 document a history, physical examination, intended treatment plan or assessment on either the
9 handwritten record or the EMR. The handwritten record references “deworming done” with no
10 initials/name of the person making this notation. There also is no reference to the drug, dose or
11 route of administration of the de-worming medication.

12 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct -Failure to Establish Veterinarian-Client-Patient Relationship)

14 77. Respondent is subject to discipline for unprofessional conduct pursuant to Code
15 section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to
16 document that he had sufficient knowledge of Jooney by way of an examination/assessment prior
17 to her ovariohysterectomy procedure on September 25, 2014. The facts in support of this cause
18 for discipline are set forth above in paragraph 67.

19 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

20 (Unprofessional Conduct – Failure to Document Physical Examination Prior to Surgery)

21 78. Respondent is subject to discipline for unprofessional conduct pursuant to Code
22 section 4883, subdivision (g)(3) and CCR, title 16, section 2032.4(b)(1), in that he failed to
23 document a physical examination on Jooney prior to her surgery on September 25, 2014. The
24 facts in support of this cause for discipline are set forth above in paragraph 67.

25 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

26 (Unprofessional Conduct – Record Keeping Violations)

27 79. Respondent is subject to discipline for unprofessional conduct pursuant to Code
28 sections 4883, subdivision (i), 4885, and CCR, title 16, section 2032.3, in that the records for

1 Jooney failed to include the following:

2 A. The initials or name of the individual who made the entries in the handwritten record
3 on September 25, 2014 and April 6, 2015, as required by CCR, title 16, section 2032.3(a)(1).

4 B. The initials or name of the individual who gave Jooney an injection of Acepromazine
5 on November 28, 2014 as required by CCR, title 16, section 2032.3(a)(1).

6 C. An updated pertinent history prior to giving vaccinations to Jooney on October 9,
7 2014, and May 12, 2015, as required by CCR, title 16, section 2032.3(a)(6).

8 D. A physical examination prior to Jooney's surgery on September 25, 2014, and
9 physical examinations prior to administering vaccinations on October 9, 2014, and May 12, 2015,
10 as required by CCR, title 16, section 2032.3(a)(7).

11 E. Documentation regarding Jooney's injuries on April 6, 2015, such that another
12 veterinarian could understand her injuries and treatment, as required by CCR, title 16, section
13 2032.3(a)(7).

14 F. The name, address and phone number of the client, as required by CCR, title 16,
15 section 2032.3(a)(2).

16 G. Respondent failed to document an intended treatment plan prior to giving Jooney
17 vaccines on October 9, 2014, as required by CCR, title 16, section 2032(a)(8).

18 H. Respondent failed to document information regarding deworming, including drug,
19 dosages, or route of administration on October 25, 2015, as required by CCR, title 16, section
20 2032.3(a)(8).

21 I. Documentation of assessments and/or diagnoses prior to performing treatment or
22 procedures as required by CCR, title 16, section 2032(a)(10).

23 The facts in support of this cause for discipline are set forth above in paragraphs 67, 69, 72
24 through 76.

25 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

26 (Negligence/Incompetence – Medication Administration)

27 80. Respondent is subject to discipline for negligence and/or incompetence pursuant to
28 Code section 4883, subdivision (i), based on his prescribing, without indication, two different

1 types of NSAID'S to Jooney after her ovariohysterectomy procedure on September 25, 2014. The
2 facts in support of this cause for discipline are set forth above in paragraph 68.

3 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

4 (False and Misleading Advertising and/or Deception)

5 81. Respondent is subject to discipline for false and misleading advertising pursuant to
6 Code section 4883, subdivision (f), and/or for deception pursuant to Code section 4883,
7 subdivision (i), in that he represented that he was a member of the AAHA and that his facility was
8 an AAHA accredited hospital, when such representations were false and misleading. The facts in
9 support of this cause for discipline are set forth above in paragraph 66.

10 **STATEMENT OF FACTS REGARDING "BUDDY"**

11 82. On September 6, 2014, Alden C. took her 9-year-old canine Buddy to Respondent for
12 a vaccination. Alden C. completed a Patient/Client Information Sheet and Animal Medical
13 History form as the owner of Buddy. These forms had the trademark of the American Animal
14 Hospital Association ("AAHA"), the accrediting body for companion animal hospitals in the
15 United States and Canada. Respondent has never been a member of the AAHA and his facility
16 has never been an accredited AAHA hospital.

17 83. Two separate sets of records were kept by Respondent. On March 6, 2015, Buddy
18 presented for drinking and urinating more than usual. On the handwritten record, Respondent
19 failed to document a history, physical examination, or assessment of Buddy. The EMR
20 documentation recorded a limited physical examination. Laboratory testing was done and
21 revealed that Buddy had a high level of protein in his urine.

22 84. On July 2, 2015, Buddy was seen for an examination. He was still drinking and
23 urinating more than usual and his owner complained that he had decreased energy. A urine
24 protein test was done. However, a complete urinalysis was not done and/or recommended and no
25 blood work was done. Respondent prescribed Rimadyl, an anti-inflammatory medication that can
26 impact kidney and liver functions. There was no documentation that Respondent provided the
27 owner with information regarding the adverse effects of this medication.

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1 85. On July 25, 2015, Buddy presented for a follow-up appointment. There was no
2 reference to recommended laboratory testing given Buddy's prior symptoms and/or extended use
3 of the Rimadyl which he re-filled for another month.

4 86. On April 23, 2016, Buddy presented for a right eye infection and cyst on his left
5 forearm. A limited physical examination was documented. Blood testing showed that he had an
6 abnormally high PrecisionPSL that correlates with a diagnosis of pancreatitis in canines. In the
7 EMR records, Respondent documented that the owner was contacted on April 24, 2016, but there
8 are no details of the reason for this contact.

9 87. On May 5, 2016, Buddy presented for removal of the cyst and a dental cleaning. He
10 was given the anti-inflammatory Metacam after the procedure and placed on a course of antibiotic
11 therapy. Four days later, Buddy presented with excessive vomiting. A physical examination was
12 documented on the handwritten record with no initials/name of the person who performed the
13 examination. For the first time there was reference to a potential diagnosis of pancreatitis, with
14 the examiner recommending that previously prescribed antibiotics be discontinued.

15 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

16 (Unprofessional Conduct – Record Keeping Violations)

17 88. Respondent is subject to discipline for unprofessional conduct pursuant to Code
18 sections 4883, subdivision (i), 4885, and CCR, title 16, section 2032.3, in that the records for
19 Buddy failed to include the following:

20 A. The dose of Metacam prescribed on May 5, 2016, as required by CCR, title 16,
21 section 2032.3, subdivisions (a)(8) and (a)(12).

22 B. A physical examination and pertinent interim history for the visit on July 25, 2015, as
23 required by CCR title 16, sections 2032.3(a)(6) and (a)(7).

24 C. The name, address and phone number of the client, as required by CCR, title 16,
25 section 2032.3(a)(2).

26 The facts in support of this cause for discipline are set forth above in paragraphs 85 and 87.

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1 **THIRTIETH CAUSE FOR DISCIPLINE**

2 (Negligence)

3 89. Respondent is subject to discipline for negligence pursuant to Code section 4883,
4 subdivision (i), based on the following:

5 A. On July 2, 2015, he failed to recommend blood work and/or a urinalysis on Buddy
6 given his persistent problems with excessive drinking and excessive urination;

7 B. On July 2, 2015, he failed to advise the owner of the adverse effects of prescribing
8 Rimadyl to Buddy;

9 C. On July 25, 2015, failed to recommend blood work and/or a urinalysis on Buddy prior
10 to re-filling the prescription for Rimadyl.

11 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

12 (False and Misleading Advertising and/or Deception)

13 90. Respondent is subject to discipline for false and misleading advertising pursuant to
14 Code section 4883, subdivision (f), and/or for deception pursuant to Code section 4883,
15 subdivision (i), in that he represented that he was a member of the AAHA and that his facility was
16 an AAHA accredited hospital, when such representations were false and misleading. The facts in
17 support of this cause for discipline are set forth above in paragraph 82.

18 **STATEMENT OF FACTS REGARDING "OSCAR"**

19 91. On March 17, 2015, Amav S. took her 9-week old canine Oscar to Respondent. She
20 completed a Patient/Client Information Sheet and Animal Medical History form as the owner of
21 Oscar. These forms had the trademark of the American Animal Hospital Association ("AAHA"),
22 the accrediting body for companion animal hospitals in the United States and Canada.
23 Respondent has never been a member of the AAHA and his facility has never been an accredited
24 AAHA hospital.

25 92. Two separate sets of records were kept by Respondent. On March 20, 2015, Oscar
26 presented with complaints of constipation, not drinking and not eating. Respondent performed a
27 limited physical examination. Oscar stayed overnight at Respondent's facility. The next day,
28 March 21, 2015, Respondent failed to document a physical examination. Reference was made to

1 administering fluids and medications at an unknown time. There is no reference to discussion of
2 the case with the owner.

3 93. On May 19, 2015, Oscar presented with a history of coughing for 2 days. A limited
4 examination was documented. Respondent diagnosed "mild tracheobronchitis" for which he
5 administered 2 milligrams of Vetalog, a long acting steroid not indicated for young animals
6 and/or not prescribed for a mild cough.

7 94. On May 21, 2015, there is a notation in the EMR that Oscar's "cough is getting
8 worse." There was no reference to a follow-up examination and/or additional testing.

9 95. On August 15, 2015, Oscar presented for "stool problems." The handwritten record
10 has two different handwritten notes, without reference to the initials and/or names of the person
11 making the entries. There is a limited physical examination and no assessment of Oscar's
12 condition.

13 96. On August 20, 2015, Oscar presented to be neutered. There is no documentation of
14 an examination and/or history completed within 12 hours of the procedure. The procedure is
15 documented on a handwritten record entitled "Canine Neuter." There are no initials and/or name
16 of the person completing this surgical procedure. The documentation regarding the induction
17 medications failed to include if the amounts administered were in milligram or milliliters. Post-
18 operatively it is noted that "Metacam 140#" a NSAID was given, without reference to the route
19 that this medication is administered. Two different antibiotics were given post-surgically and
20 included Baytril and PPG.¹⁵ On the Canine Neuter record, the amount of PPG was listed as 0.5
21 cc, but was referenced as 0.3 cc sc on the handwritten notes. Respondent also prescribed a ten
22 (10) day course of a Rimadyl, another NSAID, which was contraindicated as Oscar had received
23 Metacam post-surgically.

24 97. On August 22, 2015, Oscar was prescribed Acepromazine, an anti-anxiety/sedative
25 without documentation as to why this medication was being dispensed.

26
27
28 ¹⁵ PPG refers to Procaine Penicillin G.

98. On October 14, 2015, Oscar presented with chronic diarrhea. There is no documentation of an abdominal and/or rectal examination. The hand written record fails to identify the persons making entries on the record.

99. On August 2, 2016, Respondent prescribed the antibiotic Cefpodoxime¹⁶ 200 milligrams with instructions that it was to be given twice a day, an incorrect dosing frequency. There was no documentation as to the reason for prescribing this medication.

100. On August 8, 2016, Oscar presented for a laceration on his back as a result of being attacked at the dog park. Respondent failed to conduct a complete physical examination to rule-out additional injuries. The wound was sutured under local anesthesia. In the handwritten record, Respondent referenced that he administered 1 ml of lidocaine, whereas in the EMR it was recorded that 2 ml of lidocaine were administered. Respondent failed to administer any pain medication prior to suturing Oscar's laceration and failed to offer the owner pain medications to be taken at home.

THIRTY-SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Record Keeping Violations)

101. Respondent is subject to discipline for unprofessional conduct pursuant to Code sections 4883, subdivision (i), 4885, and CCR, title 16, section 2032.3, in that the records for Oscar failed to include the following:

A. A complete physical examination of Oscar given his complaints on March 20, 2015, and/or March 21, 2015, as required by CCR, title 16, section 2032.3(a)(7).

B. Documentation regarding the “fluids” and medications given to Oscar on March 21, 2015, as required by CCR, title 16, section 2032.3(a)(8).

C. Documentation of a complete physical examination on May 19, 2015, given that Oscar presented with a cough and Respondent diagnosed him with “mild tracheobronchitis,” as required by CCR, title 16, section 2032.3(a)(7).

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¹⁶ Cefpodoxime is an antibiotic that is to be given only once a day.

1 D. Documentation of a follow-up examination when on May 21, 2015, there was
2 reference that Oscar's cough was getting worse, as required by CCR, title 16, section
3 2032.3(a)(7).

4 E. Documentation of a complete physical examination and treatment plan on August 15,
5 2015, when Oscar presented for "stool problems," as required by CCR, title 16, section 2032.3,
6 subdivisions (a)(7) and (a)(8).

7 F. The initials or name of the individual who made the entries in the handwritten record
8 on August 15, 2015, as required by CCR, title 16, section 2032.3(a)(1).

9 G. The initials or name of the individual who made the entries on the Canine Neuter
10 handwritten record on August 20, 2015, as required by CCR, title 16, section 2032.3(a)(1).

11 H. The dosages of the induction medications administered on August 20, 2015, as
12 required by CCR, title 16, section 2032.3(a)(9).

13 I. The route by which the Metacam was administered on August 20, 2015, as required
14 by CCR, title 16, section 2032.3(a)(9).

15 J. Documentation of a complete physical examination and treatment plan on October
16 14, 2015, when Oscar presented with chronic diarrhea, as required by CCR, title 16, section
17 2032.3, subdivisions (a)(7) and (a)(8).

18 K. The initials or name of the individual who made the entries in the handwritten record
19 on October 14, 2015, as required by CCR, title 16, section 2032.3(a)(1).

20 L. Documentation of a complete physical examination on August 8, 2016, when Oscar
21 presented with injuries as a result of being attacked in a dog park, as required by CCR, title 16,
22 section 2032.3, subdivision (a)(7).

23 M. Accurate documentation of the amount of Lidocaine administered on August 8, 2016,
24 as required by CCR, title 16, subdivision (a)(12).

25 N. The name, address and phone number of the client, as required by CCR, title 16,
26 section 2032.3(a)(2).

27 O. The age, sex, species, color of Oscar as required by CCR, title 16, section
28 2032.3(a)(2).

1 P. A history of pertinent information including Oscar's weight and reason that
2 Acepromazine and Cefpodoxime were prescribed and dispensed, as required by CCR, title 16,
3 section 2032.3(a)(6).

4 The facts in support of this cause for discipline are set forth above in paragraphs 92 through
5 100.

6 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

7 (Unprofessional Conduct – Failure to Document Physical Examination Prior to Surgery)

8 102. Respondent is subject to discipline for unprofessional conduct pursuant to Code
9 section 4883, subdivision (g)(3) and CCR, title 16, section 2032.4(b)(1), in that he failed to
10 document a physical examination on Oscar prior to his surgery on August 20, 2015. The facts in
11 support of this cause for discipline are set forth above in paragraph 96.

12 **THIRTY-FORTH CAUSE FOR DISCIPLINE**

13 (Negligence/Incompetence – Medication Administration and Follow Up Examinations)

14 103. Respondent is subject to discipline for negligence and/or incompetence pursuant to
15 Code section 4883, subdivision (i), based on the following:

16 A. On May 19, 2015, he prescribed Vetalog, a long acting steroid that was not indicated
17 given Oscar's age and diagnosis.

18 B. On May 21, 2015, he failed to recommend a follow-up examination and/or chest x-
19 ray given Oscar's worsening cough.

20 C. On August 20, 2015, he prescribed a post-operative course of Rimadyl, a NSAID
21 that was contradicted as Oscar had received another NSAID pre-operatively.

22 D. On August 20, 2015, without indication, he prescribed two different types of
23 antibiotics pre-operatively.

24 E. On August 22, 2015, he prescribed Acepromazine without documentation as to why
25 this medication was dispensed.

26 F. On August 2, 2016, he prescribed an incorrect dosing frequency for the antibiotic
27 Cefpodoxime.

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1 The facts in support of this cause for discipline are set forth above in paragraphs 93, 94, 96,
2 97 and 99.

3 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct – Failure to Provide Humane Treatment)

5 104. Respondent is subject to discipline for unprofessional conduct pursuant to CCR, title
6 16, section 2032.05, in that he failed to provide humane treatment to Oscar in that he did not
7 administer pain medication prior to suturing his laceration on August 8, 2015, and failed to offer
8 the owner pain medications to be given at home. The facts in support of this cause for discipline
9 are set forth above in paragraph 100.

10 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

11 (False and Misleading Advertising and/or Deception)

12 105. Respondent is subject to discipline for false and misleading advertising pursuant to
13 Code section 4883, subdivision (f), and/or for deception pursuant to Code section 4883,
14 subdivision (i), in that he represented that he was a member of the AAHA and that his facility was
15 an AAHA accredited hospital, when such representations were false and misleading. The facts in
16 support of this cause for discipline are set forth above in paragraph 91.

17 **STATEMENT OF FACTS REGARDING “MICKEY”**

18 106. On September 8, 2013, Diane S. completed a Patient/Client Information sheet for
19 her 1.5-year old canine Mickey. The form had the logo “AAHA- American Animal Hospital
20 Association” in the upper left corner. Respondent has never been a member of the AAHA and his
21 facility has never been an accredited AAHA hospital.

22 107. On January 30, 2015, Mickey first presented to Respondent’s facility for a
23 vaccination. There is no documentation of a physical examination and/or assessment having been
24 performed prior to administration of various vaccinations. The box “deworm” is checked
25 however, there was no reference to which medication was prescribed.

26 108. On April 2, 2015, Mickey presented for mild redness in his left back paw. There is a
27 minimal history documented, but no indication who made this entry. The physical examination
28 notes are illegible.

1 109. On August 6, 2015, Mickey presented for an unknown reason. There is no
2 documentation of a history and/or physical examination. The only note stated "Atopy/Conj." and
3 "clean ear R." There is no documentation of what the ear was cleaned with and/or if any
4 medications were sent home with the owner.

5 110. On April 19, 2016, Mickey presented for an unknown reason. This was the first entry
6 on the EMR. Respondent prescribed Neo-Poly-Dex eye drops without documentation of a
7 physical examination and/or diagnosis.

8 111. On April 22, 2016, Mickey presented for vaccinations. His owner reported a history
9 of allergies and scrape on Mickey's back leg. Respondent failed to document a complete physical
10 examination and there is no complete description of his wounds. Respondent diagnosed Mickey
11 with "pyoderma [skin infection]- digit area" but failed to indicate what specific areas were
12 affected.

13 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct -Failure to Establish Veterinarian-Client-Patient Relationship)

15 112. Respondent is subject to discipline for unprofessional conduct pursuant to Code
16 section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to
17 document that he had sufficient knowledge of Mickey by way of an examination/assessment to
18 establish a veterinarian-client-patient relationship prior to his administering vaccinations on
19 January 30, 2015. The facts in support of this cause for discipline are set forth above in paragraph
20 107.

21 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

22 (Unprofessional Conduct – Record Keeping Violations)

23 113. Respondent is subject to discipline for unprofessional conduct pursuant to Code
24 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Buddy
25 failed to include the following:

26 A. A complete physical examination of Mickey when he first presented for care to
27 Respondent on January 30, 2015, as required by CCR, title 16, section 2032.3(a)(7).

28 B. Documentation of the de-worming medication prescribed to Mickey on January 30,

1 2015.

2 C. The initials or name of the individual who made the entries in the handwritten record
3 on January 30, 2015 and April 2, 2015, as required by CCR, title 16, section 2032.3(a)(1).

4 D. The medications used to clean Mickey's right ear on August 6, 2015, as required by
5 CCR, title 16, section 2032.3(a)(12).

6 E. Documentation of a physical examination on April 19, 2016, and April 22, 2016, as
7 required by CCR, title 16, section 2032.3(a)(7).

8 F. The diagnosis for which Respondent treated Mickey with eye drops on April 19,
9 2016, as required by CCR, title 16, section 2032.3(a)(6).

10 G. The name, address and phone number of the client, as required by CCR, title 16,
11 section 2032.3(a)(2).

12 The facts in support of this cause for discipline are set forth above in paragraphs 107
13 through 111.

14 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

15 (False and Misleading Advertising and/or Deception)

16 114. Respondent is subject to discipline for false and misleading advertising pursuant to
17 Code section 4883, subdivision (f), and/or for deception pursuant to section 4883, subdivision (i),
18 in that he represented that he was a member of the AAHA and that his facility was an AAHA
19 accredited hospital, when such representations were false and misleading. The facts in support of
20 this cause for discipline are set forth above in paragraph 106.

21 **STATEMENT OF FACTS REGARDING "POOCHIE"**

22 115. On September 8, 2013, Diane S. completed a Patient/Client Information sheet for her
23 2-year old feline Poochie. The form had the logo "AAHA- American Animal Hospital
24 Association" in the upper left corner. Respondent has never been a member of the AAHA and
25 his facility has never been an accredited AAHA hospital.

26 116. On September 8, 2013, the billing record noted that Poochie's owner was charged for
27 an examination. There was no documentation that a physical examination was performed, other
28 than the notation BAR and tartar. There were no initials or name of the person who made the

1 entries in the handwritten record on September 8, 2013.

2 **FORTIETH CAUSE FOR DISCIPLINE**

3 (Unprofessional Conduct -Failure to Establish Veterinarian-Client-Patient Relationship)

4 117. Respondent is subject to discipline for unprofessional conduct pursuant to Code
5 section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to
6 document that he had sufficient knowledge of Poochie by way of an examination/assessment at
7 her first clinic visit on September 8, 2013. The facts in support of this cause for discipline are set
8 forth above in paragraph 115.

9 **FORTY-FIRST CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct – Record Keeping Violations)

11 118. Respondent is subject to discipline for unprofessional conduct pursuant to Code
12 sections 4883, subdivision (i), 4885, and CCR, title 16, section 2032.3, in that the records for
13 Poochie failed to include the following:

14 A. A complete physical examination of Poochie when she first presented for care to
15 Respondent on September 8, 2013, as required by CCR, title 16, section 2032.3(a)(7).

16 B. The initials or name of the individual who made the entries in the handwritten record
17 on September 8, 2013, as required by CCR, title 16, section 2032.3(a)(1).

18 C. The name, address and phone number of the client, as required by CCR, title 16,
19 section 2032.3(a)(2).

20 D. The breed, or species as required by CCR, title 16, section 2032.3(a)(4).

21 E. A history of pertinent information, as required by CCR, title 16, section 2032.3(a)(6).

22 F. Documentation of a treatment plan and/or intended treatment plan for Poochie as
23 required by CCR, title 16, section 2032(a)(8).

24 The facts in support of this cause for discipline are set forth above in paragraph 116.

25 **FORTY-SECOND CAUSE FOR DISCIPLINE**

26 (False and Misleading Advertising and/or Deception)

27 119. Respondent is subject to discipline for false and misleading advertising pursuant to
28 Code section 4883, subdivision (f), and/or for deception pursuant to Code section 4883,

1 subdivision (i), in that he represented that he was a member of the AAHA and that his facility was
2 an AAHA accredited hospital, when such representations were false and misleading. The facts in
3 support of this cause for discipline are set forth above in paragraph 115.

4 **STATEMENT OF FACTS REGARDING "MAGGIE"**

5 120. On February 15, 2016, Julio D. completed a Patient/Client Information sheet and
6 Medical History form for his 11-year old canine Maggie. The forms used had the logo "AAHA-
7 American Animal Hospital Association" in the upper left corner. Respondent has never been a
8 member of the AAHA and his facility has never been an accredited AAHA hospital.

9 121. On February 15, 2016, Maggie presented for a dental procedure. Two sets of records
10 were maintained. Respondent documented inconsistent examinations on the handwritten record
11 and the EMR. There were no initials and/or name of the person(s) making the entries on the
12 handwritten notes and many of the entries are crossed out multiple times, instead of a single strike
13 through line. The handwritten notes make reference to Maggie having an "ear infection" without
14 any supporting documentation for this diagnosis. On the handwritten medical record, Maggie
15 was prescribed "#40 ml Clavamox liquid" without any indication of the concentration of the
16 medication.¹⁷

17 122. The following day, February 16, 2016, Respondent prescribed "Amoxi-Clavulanate¹⁸
18 plus Metacam 40 ml." This is a compounded medication not commercially available. There was
19 no description of the concentration of the Metacam added to this mixture. Respondent was not a
20 licensed pharmacist and his clinic was not a licensed pharmacy. Respondent wrote that 2
21 milliliters were to be given twice a day. However, Metacam is a medication that should be
22 administered only once a day. Respondent also prescribed Temaril-P¹⁹, which is outside of
23 routine veterinary practice due to an increased risk of gastrointestinal ulceration given the
24 concomitant prescription of Metacam.

25
26 ¹⁷ Clavamox is a broad spectrum antibiotic.

27 ¹⁸ "Amoxi" is in reference to Amoxicillin, a broad spectrum antibiotic.

28 ¹⁹ Temaril is a combination of an antihistamine and a corticosteroid prescribed for the
treatment of itching and/or kennel cough.

1 123. On April 15, 2016, Maggie presented for an ear infection. Her ears with flushed with
2 an unknown solution.

3 124. On July 30, 2016, Respondent dispensed a prescription for Temaril-P 5 milligrams
4 without having documented a physical examination.

5 **FORTY-THIRD CAUSE FOR DISCIPLINE**

6 (Unprofessional Conduct – Record Keeping Violations)

7 125. Respondent is subject to discipline for unprofessional conduct pursuant to Code
8 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Maggie
9 failed to include the following:

10 A. Consistent physical examination findings on the handwritten record and the EMR as
11 documented on February 15, 2016, as required by CCR, title 16, section 2032.3(a)(7).

12 B. The initials or name of the individual who made the entries in the handwritten record
13 on February 15, 2016, as required by CCR, title 16, section 2032.3(a)(1).

14 C. Documentation of the concentration of Clavamox prescribed on February 15, 2016, as
15 required by CCR, title 16, section 2032.3(a)(12).

16 D. Documentation of the solution used to flush Maggie's ears on April 15, 2016, as
17 required by CCR, title 16, section 2032.3(a)(12).

18 E. Documentation of a physical examination on July 30, 2016, to support Respondent
19 prescribing Temaril to Maggie, as required by CCR, title 16, section 2032.3(a)(7).

20 The facts in support of this cause for discipline are set forth above in paragraphs 121, 123
21 and 124.

22 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

23 (Negligence/Incompetence – Medication Administration)

24 126. Respondent is subject to discipline for negligence and/or incompetence pursuant to
25 Code section 4883, subdivision (i), based on the following:

26 A. On or about February 16, 2016, Respondent incorrectly prescribed the dosing
27 frequency for Metacam.

28 ///

1 B. On or about February 16, 2016, Respondent compounded a medication, Amoxi-
2 Clavulanate plus Metacam that is not commercially available to use among veterinarians.

3 The facts in support of this cause for discipline are set forth above in paragraph 122.

4 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

5 (Unprofessional Conduct – Compounding and Dispensing a Compounded Drug
6 without a Pharmacist License)

7 127. Respondent is subject to discipline for unprofessional conduct pursuant to Code
8 sections 4883, subdivision (g) and 4051 in that on February 16, 2015, he compounded and
9 dispensed Amoxi-Clavulanate plus Metacam to Maggie's owner, without being a licensed
10 pharmacist. The facts in support of this cause for discipline are set forth above in paragraph 122.

11 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct – Acting as a Pharmacy)

13 128. Respondent is subject to discipline for unprofessional conduct pursuant to Code
14 sections 4883, subdivision (g) and 4110 in that on February 16, 2015, he acted as a pharmacy by
15 compounding and dispensing Amoxi-Clavulanate plus Metacam, without his clinic being licensed
16 as a pharmacy. The facts in support of this cause for discipline are set forth above in paragraph
17 122.

18 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

19 (False and Misleading Advertising and/or Deception)

20 129. Respondent is subject to discipline for false and misleading advertising pursuant to
21 Code section 4883, subdivision (f), and/or for deception pursuant to section 4883, subdivision (i),
22 in that he represented that he was a member of the AAHA and that his facility was an AAHA
23 accredited hospital, when such representations were false and misleading. The facts in support of
24 this cause for discipline are set forth above in paragraph 115.

25 **STATEMENT OF FACTS REGARDING "BLUE COLLAR" aka "LIL"**

26 130. On February 16, 2017, 10-week old canine Blue Collar, aka Lil, owned by Copper's
27 Dream presented for an ovariohysterectomy procedure. There was no documentation of the
28 owner's address and/or contact information. There were no initials and/or name of the person

1 making entries on the handwritten notes. Respondent failed to document a physical examination
2 and/or history pertaining to Blue Collar prior to the surgery. There was no documentation that
3 any type of pain medication and/or NSAID was given to Blue Collar before, during or after the
4 surgical procedure.

5 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

6 (Unprofessional Conduct – Record Keeping Violations)

7 131. Respondent is subject to discipline for unprofessional conduct pursuant to Code
8 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Blue
9 Collar failed to include the following:

10 A. The initials or name of the individual who made the entries in the handwritten record
11 on February 16, 2017, as required by CCR, title 16, section 2032.3(a)(1).

12 B. The initials or name of the individual performing the ovariohysterectomy procedure
13 on February 16, 2017, as required by CCR, title 16, section 2032.3(a)(9).

14 C. The name, address and phone number of the client, as required by CCR, title 16,
15 section 2032.3(a)(2).

16 D. Documentation regarding a physical examination completed on Blue Collar prior to
17 her surgery on February 16, 2017, as required by CCR, title 16, section 2032.3(a)(7).

18 E. A history or pertinent information, as required by CCR, title 16, section 2032.3(a)(6).

19 F. Documentation of assessment and/or diagnosis prior to performing any treatments
20 and/or procedures as required by CCR, title 16, section 2032.3(a)(10).

21 The facts in support of this cause for discipline are set forth above in paragraph 130.

22 **FORTY-NINTH CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct -Failure to Establish Veterinarian-Client-Patient Relationship)

24 132. Respondent is subject to discipline for unprofessional conduct pursuant to Code
25 section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to
26 document that he had sufficient knowledge of Blue Collar by way of an examination/assessment
27 to establish a veterinarian-client-patient relationship for her ovariohysterectomy procedure on
28 February 16, 2017. The facts in support of this cause for discipline are set forth above in

1 paragraph 130.

2 **FIFTIETH CAUSE FOR DISCIPLINE**

3 (Unprofessional Conduct – Failure to Document Physical Examination Prior to Surgery)

4 133. Respondent is subject to discipline for unprofessional conduct pursuant to Code
5 section 4883, subdivision (g)(3) and CCR, title 16, section 2032.4(b)(1), in that he failed to
6 document a physical examination on Blue Collar prior to her surgery on February 16, 2017. The
7 facts in support of this cause for discipline are set forth above in paragraph 130.

8 **FIFTY-FIRST CAUSE FOR DISCIPLINE**

9 (Unprofessional Conduct – Failure to Provide Humane Treatment)

10 134. Respondent is subject to discipline for unprofessional conduct pursuant to CCR,
11 title 16, section 2032.05, in that he failed to provide humane treatment to Blue Collar in that there
12 is no documentation that she was prescribed any pain medication before, during and/or after her
13 ovariohysterectomy procedure on February 16, 2017. The facts in support of this cause for
14 discipline are set forth above in paragraph 130.

15 **STATEMENT OF FACTS REGARDING “RED COLLAR” aka “TOMMY”**

16 135. On February 16, 2017, 10-week old canine Red Collar, aka Tommy, owned by
17 Copper’s Dream presented for an ovariohysterectomy procedure. There was no documentation of
18 the owner’s address and/or contact information. There were no initials and/or name of the person
19 making the entries on the handwritten notes. Respondent failed to document a physical
20 examination and/or history pertaining to Red Collar prior to the surgery. The record of the
21 surgical procedure does not include the surgeon’s name. There was no documentation that any
22 type of pain medication and/or NSAID was given to Red Collar before, during or after the
23 surgical procedure.

24 **FIFTY-SECOND CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct – Record Keeping Violations)

26 136. Respondent is subject to discipline for unprofessional conduct pursuant to Code
27 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Red
28 Collar failed to include the following:

1 A. The initials or name of the individual who made the entries in the handwritten record
2 on February 16, 2017, as required by CCR, title 16, section 2032.3(a)(1).

3 B. The initials or name of the individual performing the ovariohysterectomy procedure
4 on February 16, 2017, as required by CCR, title 16, section 2032.3(a)(9).

5 C. The name, address and phone number of the client, as required by CCR, title 16,
6 section 2032.3(a)(2).

7 D. Documentation regarding a physical examination completed on Red Collar prior to
8 her surgery on February 16, 2017, as required by CCR, title 16, section 2032.3(a)(7).

9 E. A history of pertinent information, as required by CCR, title 16, section 2032(a)(6).

10 F. Documentation of assessment and/or diagnosis prior to performing any treatments
11 and/or procedures as required by CCR, title 16, section 2032.3(a)(10).

12 The facts in support of this cause for discipline are set forth above in paragraph 135.

13 **FIFTY-THIRD CAUSE FOR DISCIPLINE**

14 Unprofessional Conduct -Failure to Establish Veterinarian-Client-Patient Relationship)

15 137. Respondent is subject to discipline for unprofessional conduct pursuant to Code
16 section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to
17 document that he had sufficient knowledge of Red Collar by way of an examination/assessment
18 to establish a veterinarian-client-patient relationship for her ovariohysterectomy procedure on
19 February 16, 2017. The facts in support of this cause for discipline are set forth above in
20 paragraph 135.

21 **FIFTY-FOURTH CAUSE FOR DISCIPLINE**

22 (Unprofessional Conduct – Failure to Document Physical Examination Prior to Surgery)

23 138. Respondent is subject to discipline for unprofessional conduct pursuant to Code
24 section 4883, subdivision (g)(3) and CCR, title 16, section 2032.4(b)(1), in that he failed to
25 document a physical examination on Red Collar prior to her surgery on February 16, 2017. The
26 facts in support of this cause for discipline are set forth above in paragraph 135.

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1 **FIFTY-FIFTH CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct – Failure to Provide Humane Treatment)

3 139. Respondent is subject to discipline for unprofessional conduct pursuant to CCR, title
4 16, section 2032.05, in that he failed to provide humane treatment to Red Collar in that there is no
5 documentation that she was prescribed any pain medication before, during and/or after her
6 ovariohysterectomy procedure on February 16, 2017. The facts in support of this cause for
7 discipline are set forth above in paragraph 135.

8 **STATEMENT OF FACTS REGARDING “KALA”**

9 140. On January 30, 2017, a 4 to 5-month-old canine Kala owned by Copper’s Dream
10 presented for an ovariohysterectomy. There was no documentation of the owner’s address and/or
11 contact information. There were no initials and/or name of the person(s) making the entries on
12 the hand written notes. Respondent failed to document a physical examination and/or history
13 pertaining to Kala prior to the surgery.

14 141. The record of the surgical procedure does not include the surgeon’s name. The record
15 of the surgical procedure references that the anesthetic Ketamine “0.7 IM” was given, without
16 reference to whether this dose was in milliliters or milligrams. There is an area on the surgical
17 form for completion of a “Pre-surgical Assessment” that is left blank. Post-operatively, Kala was
18 prescribed Meloxicam however, the dosage of medication administered is left blank.

19 **FIFTY-SIXTH CAUSE FOR DISCIPLINE**

20 (Unprofessional Conduct – Record Keeping Violations)

21 142. Respondent is subject to discipline for unprofessional conduct pursuant to Code
22 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Kala
23 failed to include the following:

24 A. The initials or name of the individual who made the entries in the handwritten record
25 on January 30, 2017, as required by CCR, title 16, section 2032.3(a)(1).

26 B. The initials or name of the individual performing the ovariohysterectomy procedure
27 on January 30, 2017, as required by CCR, title 16, section 2032.3(a)(9).

28 ///

1 C. The name, address and phone number of the client, as required by CCR, title 16,
2 section 2032.3(a)(2).

3 D. Documentation regarding a pre-surgical assessment and/or physical examination
4 completed on Kala prior to her surgery on January 30, 2017, as required by CCR, title 16, section
5 2032.3(a)(7).

6 E. Documentation of the dose of Ketamine given prior to surgery on January 30, 2017,
7 and the dose of Meloxicam post-surgically, as required by CCR, title 16, section 2032.3(a)(12).

8 F. A history or pertinent information, as required by CCR, title 16, section 2032.3(a)(6).

9 G. Documentation of assessment and/or diagnosis prior to performing any treatments
10 and/or procedures as required by CCR, title 16, section 2032.3(a)(10).

11 The facts in support of this cause for discipline are set forth above in paragraphs 140 and
12 141.

13 **FIFTY-SEVENTH CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct -Failure to Establish Veterinarian-Client-Patient Relationship)

15 143. Respondent is subject to discipline for unprofessional conduct pursuant to Code
16 section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to
17 document that he had sufficient knowledge of Kala by way of an examination/assessment to
18 establish a veterinarian-client-patient relationship for her ovariohysterectomy procedure on
19 January 30, 2017. The facts in support of this cause for discipline are set forth above in
20 paragraph 140.

21 **FIFTY-EIGHTH CAUSE FOR DISCIPLINE**

22 (Unprofessional Conduct – Failure to Document Physical Examination Prior to Surgery)

23 144. Respondent is subject to discipline for unprofessional conduct pursuant to Code
24 section 4883, subdivision (g)(3) and CCR, title 16, section 2032.4(b)(1), in that he failed to
25 document a physical examination on Kala prior to her surgery on January 30, 2017. The facts in
26 support of this cause for discipline are set forth above in paragraph 140.

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1 **STATEMENT OF FACTS REGARDING “KIKO”**

2 145. On February 16, 2017, 4 to 5-year old canine Kiko owned by Copper’s Dream
3 presented for neutering. There was no documentation of the owner’s address and/or contact
4 information. There were no initials and/or name of the person making the entries on the hand
5 written notes. Respondent failed to document a physical examination and/or history pertaining to
6 Kiko prior to the surgery.

7 146. The record of the surgical procedure does not include the surgeon’s name. There was
8 no documentation that any type of pain medication and/or NSAID was given to Kiko before,
9 during or after the surgical procedure.

10 **FIFTY-NINTH CAUSE FOR DISCIPLINE**

11 (Unprofessional Conduct – Record Keeping Violations)

12 147. Respondent is subject to discipline for unprofessional conduct pursuant to Code
13 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Kiko
14 failed to include the following:

15 A. The initials or name of the individual who made the entries in the handwritten record
16 on February 16, 2017, as required by CCR, title 16, section 2032.3(a)(1).

17 B. The initials or name of the individual performing the neutering procedure on February
18 16, 2017, as required by CCR, title 16, section 2032.3(a)(9).

19 C. The name, address and phone number of the client, as required by CCR, title 16,
20 section 2032.3(a)(2).

21 D. Documentation regarding a pre-surgical assessment and/or physical examination
22 completed on Kiko prior to his surgery on January 30, 2017, as required by CCR, title 16, section
23 2032.3(a)(7).

24 E. A history or pertinent information, as required by CCR, title 16, section 2032.3(a)(6).

25 F. Failure to document dosage of postoperative Metacam, as required by CCR, title 16,
26 section 2032.3(a)(8).

27 G. Documentation of assessment and/or diagnosis prior to performing any treatments
28 and/or procedures as required by CCR, title 16, section 2032.3(a)(10).

1 The facts in support of this cause for discipline are set forth above in paragraphs 145 and
2 146.

3 **SIXTIETH CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct -Failure to Establish Veterinarian-Client-Patient Relationship)

5 148. Respondent is subject to discipline for unprofessional conduct pursuant to Code
6 section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to
7 document that he had sufficient knowledge of Kiko by way of an examination/assessment to
8 establish a veterinarian-client-patient relationship for his neutering procedure on February 16,
9 2017. The facts in support of this cause for discipline are set forth above in paragraph 145.

10 **SIXTY-FIRST CAUSE FOR DISCIPLINE**

11 (Unprofessional Conduct – Failure to Document Physical Examination Prior to Surgery)

12 149. Respondent is subject to discipline for unprofessional conduct pursuant to Code
13 section 4883, subdivision (g)(3) and CCR, title 16, section 2032.4(b)(1), in that he failed to
14 document a physical examination on Kiko prior to his surgery on February 16, 2017. The facts in
15 support of this cause for discipline are set forth above in paragraph 145.

16 **SIXTY-SECOND CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct – Failure to Provide Humane Treatment)

18 150. Respondent is subject to discipline for unprofessional conduct pursuant to CCR, title
19 16, section 2032.05, in that he failed to provide humane treatment to Kiko in that there is no
20 documentation that he was prescribed any pain medication before, during and/or after her
21 neutering procedure on February 16, 2017. The facts in support of this cause for discipline are set
22 forth above in paragraph 146.

23 **STATEMENT OF FACTS REGARDING “CANELA”**

24 151. In October 29, 2011, Nancy R. completed a Patient/Client Information sheet for
25 her 3-year-old canine “Canela.” The form had the logo “AAHA- American Animal Hospital
26 Association” in the upper left corner. Neither Respondent nor his hospital were AAHA
27 accredited.

28 ///

152. On April 16, 2016, Canela was seen by Respondent for a “check up and shots.” There were no initials and/or name of the person making the entries on the hand written notes. There was no documentation of the current owner’s name, address and/or phone number. There was no updated identifying information on Canela, other than what appears to be a notation that she is “8 yrs” of age. There is a very limited history and no documentation regarding a physical examination other than the notation “BAR.”²⁰ There was no assessment and/or treatment plan documented. Several of the vaccination boxes are crossed out in a manner that makes it difficult to discern if a vaccination was given or omitted. No follow-up care was noted.

SIXTY-THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct -Failure to Establish Veterinarian-Client-Patient Relationship)

153. Respondent is subject to discipline for unprofessional conduct pursuant to Code section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to document that he had sufficient knowledge of Canela by way of an examination/assessment to establish a veterinarian-client-patient relationship on April 16, 2016. The facts in support of this cause for discipline are set forth above in paragraph 152.

SIXTY-FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Record Keeping Violations)

154. Respondent is subject to discipline for unprofessional conduct pursuant to Code sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Canela failed to include the following:

A. The initials or name of the individual who made the entries in the handwritten record on February 16, 2017, as required by CCR, title 16, section 2032.3(a)(1).

B. Documentation of the name, address and phone number of the client, as required by CCR, title 16, section 2032.3(a)(2).

C. Documentation of Canela's age, sex, breed, species and/or color as required by CCR, title 16, section 2032.3(a)(4).

²⁰ BAR is an acronym that means the animal is bright, alert and responsive.

1 D. Documentation of a physical exam prior to administering vaccinations to Canela, as
2 required by CCR, title 16, section 2032.3(a)(7).

3 E. Documentation of treatment and intended treatment plan, including medications,
4 dosages and frequency of use, as required by CCR, title 16, section 2032.3(a)(8).

5 F. Documentation of all medications prescribed as required by CCR, title 16, section
6 2032.3(a)(12).

7 G. Documentation of assessment and/or diagnosis prior to performing any treatments
8 and/or procedures as required by CCR, title 16, section 2032.3(a)(10).

9 The facts in support of this cause for discipline are set forth above in paragraphs 152.

10 **SIXTY-FIFTH CAUSE FOR DISCIPLINE**

11 (False and Misleading Advertising and/or Deception)

12 155. Respondent is subject to discipline for false and misleading advertising pursuant to
13 Code section 4883, subdivision (f), and/or for deception pursuant to section 4883, subdivision (i),
14 in that he represented that he was a member of the AAHA and that his facility was an AAHA
15 accredited hospital, when such representations were false and misleading. The facts in support of
16 this cause for discipline are set forth above in paragraph 151.

17 **STATEMENT OF FACTS REGARDING "CHATO"**

18 156. In November 2009, Nancy R. completed a Patient/Client Information sheet for 4-year
19 old canine "Chato." The form had the logo "AAHA- American Animal Hospital Association" in
20 the upper left corner. Respondent has never been a member of the AAHA and his facility has
21 never been an accredited AAHA hospital.

22 157. On November 15, 2009, Chato presented with bite wounds and blood in his urine as a
23 result of a dog fight. Respondent failed to document a physical examination with the only
24 reference of "punctures to the back of the neck" and "walking normal." There are no initials or
25 name of the person making entries in the record.

26 158. On November 16, 2009, Chato presented for treatment. Respondent documented that
27 there were bite wounds on his leg that were not previously noted. Respondent administered
28 anesthesia without including reference to the dosages of medications given. There was no

1 description of the areas of Chato's body that were surgically repaired.

2 159. On February 21, 2010, Chato presented for "check jaw +/- teeth." The record of this
3 visit is very limited and illegible. It appears that Respondent sedated Chato with pre-induction
4 anesthesia, but there is no reference to the actual drugs used and/or reasons for the anesthesia.
5 Chato was sent home on an illegible dose of the antibiotic Cephalexin. There are no initials or
6 name of the person(s) making entries in the record.

7 160. On April 16, 2016, Chato was seen for a checkup and vaccinations. There is a very
8 limited history and other than BAR, no physical examination, assessment and/or treatment plan
9 was documented. There are no initials or name of the person(s) making entries in the record.
10 Several of the vaccination boxes are crossed out in a manner that makes it difficult to discern if a
11 vaccination was given or omitted. No follow up care was noted.

12 **SIXTY-SIXTH CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct – Record Keeping Violations)

14 161. Respondent is subject to discipline for unprofessional conduct pursuant to Code
15 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Chato
16 failed to include the following:

17 A. The initials or name of the individual who made the entries in the handwritten record
18 on November 15, 2009, February 21, 2010 and/or April 16, 2016, as required by CCR, title 16,
19 section 2032.3(a)(1).

20 B. Documentation of a physical exam on November 15 and November 16, 2009, as
21 required by CCR, title 16, section 2032.3(a)(7).

22 C. Documentation of treatment and intended treatment plan, including medications,
23 dosages and frequency of use on November 16, 2009, February 21, 2010, and April 16, 2016, as
24 required by CCR, title 16, section 2032.3(a)(8).

25 D. Documentation of all medications prescribed on November 16, 2009, February 21,
26 2010, and April 16, 2016, as required by CCR, title 16, section 2032.3(a)(12).

27 E. The name, address and phone number of the client, as required by CCR, title 16,
28 section 2032.3(a)(2).

1 F. The species, or color as required by CCR, title 16, section 2032.3(a)(4).

2 G. Documentation of assessment and/or diagnosis prior to performing any treatments
3 and/or procedures as required by CCR, title 16, section 2032.3(a)(10).

4 The facts in support of this cause for discipline are set forth above in paragraphs 157 to 160.

5 **SIXTY-SEVENTH CAUSE FOR DISCIPLINE**

6 (False and Misleading Advertising and/or Deception)

7 162. Respondent is subject to discipline for false and misleading advertising pursuant to
8 Code section 4883, subdivision (f), and/or for deception pursuant to section 4883, subdivision (i),
9 in that he represented that he was a member of the AAHA and that his facility was an AAHA
10 accredited hospital, when such representations were false and misleading. The facts in support of
11 this cause for discipline are set forth above in paragraph 156.

12 **STATEMENT OF FACTS REGARDING "CASSIDY"**

13 163. On February 14, 2017, owner H. took their 16-week old animal Cassidy to
14 Respondent for neutering. There was no documentation of the owner's full name, address and/or
15 phone number. The information on Cassidy did not include his breed, species and/or color.

16
17 164. The hand written medical record does not identify the person making entries. The
18 medical history notes that all systems were "wnl." An injection of the antibiotic Baytril was
19 administered without indication, as there were no noted surgical complications. A second
20 medication was given but the name of the medication is illegible. There is no documentation of
21 the name of the surgeon. There was no documentation that any type of pain medication and/or
22 NSAID was given to Cassidy before, during or after the surgical procedure.

23 **SIXTY-EIGHTH CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct – Record Keeping Violations)

25 165. Respondent is subject to discipline for unprofessional conduct pursuant to Code
26 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Cassidy
27 failed to include the following:

28 A. The initials or name of the individual who made the entries in the handwritten record

1 for Cassidy, as required by CCR, title 16, section 2032.3(a)(1).

2 B. Documentation of the name, address and phone number of the client, as required by
3 CCR, title 16, section 2032.3(a)(2).

4 C. Documentation of a complete physical examination/assessment on February 14, 2017,
5 as required by CCR, title 16, section 2032.3(a)(7).

6 D. Documentation of treatment and intended treatment plan, including medications,
7 dosages and frequency of use on February 14, 2009, as required by CCR, title 16, section 2032.3,
8 subdivisions (a)(8) and (a)(12).

9 E. Documentation of the name of the surgeon for the neutering procedure on February
10 14, 2009, as required by CCR, title 16, section 2032.3(a)(9).

11 F. The breed, species, color of Cassidy as required by CCR, title 16, section
12 2032.3(a)(4).

13 G. Documentation of assessment and/or diagnosis prior to performing any treatments
14 and/or procedures as required by CCR, title 16, section 2032.3(a)(10).

15 The facts in support of this cause for discipline are set forth above in paragraphs 163 and
16 164.

17 **SIXTY-NINTH CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct -Failure to Establish Veterinarian-Client-Patient Relationship)

19 166. Respondent is subject to discipline for unprofessional conduct pursuant to Code
20 section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to
21 document that he had sufficient knowledge of Cassidy by way of an examination/assessment to
22 establish a veterinarian-client-patient relationship for his neutering procedure on February 14,
23 2017. The facts in support of this cause for discipline are set forth above in paragraph 152.

24 **SEVENTIETH CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct – Failure to Provide Humane Treatment)

26 167. Respondent is subject to discipline for unprofessional conduct pursuant to CCR, title
27 16, section 2032.05, in that he failed to provide humane treatment to Cassidy as there was no
28 documentation that he was prescribed any pain medication before, during and/or after her

1 neutering procedure on February 14, 2017. The facts in support of this cause for discipline are set
2 forth above in paragraph 164.

3 **STATEMENT OF FACTS REGARDING "MICKEY T"**

4 168. On May 18, 2010, Rosalinda T. completed a Patient/Client Information sheet for her
5 3.5- month old canine Mickey T. The form had the logo "AAHA- American Animal Hospital
6 Association" in the upper left corner. Neither Respondent nor his hospital were AAHA
7 accredited.

8 169. On April 26, 2016, Mickey presented for an unknown reason. The physical
9 examination findings are limited to "BAR." There is no assessment or intended treatment plan
10 documented. There are no initials or names of the person(s) who made entries into the record.

11 170. On April 28, 2016, there is an entry of "S.N." in Mickey T's record. There is no
12 indication of what this abbreviation means and no indication of who made this entry in the record.

13 **SEVENTY-FIRST CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct – Record Keeping Violations)

15 171. Respondent is subject to discipline for unprofessional conduct pursuant to Code
16 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Cassidy
17 failed to include the following:

18 A. The initials or name of the individual who made the entries in the handwritten record
19 for Mickey T. as required by CCR, title 16, section 2032.3(a)(1).

20 B. Documentation of a complete physical examination/assessment on April 26, 2016, as
21 required by CCR, title 16, section 2032.3(a)(7).

22 C. Documentation of treatment and intended treatment plan, including medications,
23 dosages and frequency of use, as required by CCR, title 16, section 2032.3, subdivisions (a)(8)
24 and (a)(12).

25 D. The name, address and phone number of the client as required by CCR, title 16,
26 section 2032.3(a)(2).

27 E. The breed, species, color of Mickey T. as required by CCR, title 16, section
28 2032(a)(4).

1 F. Documentation of assessment and/or diagnosis prior to performing any treatments
2 and/or procedures as required by CCR, title 16, section 2032.3(a)(10).

3 The facts in support of this cause for discipline are set forth above in paragraphs 169 and
4 170.

5 **SEVENTY-SECOND CAUSE FOR DISCIPLINE**

6 (False and Misleading Advertising and/or Deception)

7 172. Respondent is subject to discipline for false and misleading advertising pursuant to
8 Code section 4883, subdivision (f), and/or for deception pursuant to section 4883, subdivision (i),
9 in that he represented that he was a member of the AAHA and that his facility was an AAHA
10 accredited hospital, when such representations were false and misleading. The facts in support of
11 this cause for discipline are set forth above in paragraph 168.

12 **STATEMENT OF FACTS REGARDING "GROVER"**

13 173. On January 23, 2016, Belinda C. completed a Patient/Client Information sheet for her
14 14-week-old canine "Grover." The form had the logo "AAHA- American Animal Hospital
15 Association" in the upper left corner. Respondent has never been a member of the AAHA and his
16 facility has never been an accredited AAHA hospital.

17 174. On January 28, 2016, Grover presented for a check of his right eye. A very limited
18 examination was recorded with the diagnosis of conjunctivitis. The billing invoice for this visit
19 referenced that Grover had "scleral hematoma," a different diagnosis. There were no initials or
20 names of the person(s) who made entries into the record.

21 175. On February 6, 2016, Grover presented for vaccinations. The box "deworm" was
22 checked without reference to the deworming drug type or dosage that was prescribed. There are
23 no initials or names of the person(s) who made entries into the record.

24 176. On March 5, 2016, Grover presented for another vaccination. No physical
25 examination was documented. There was a prescription written for "OFA Vitamin" without
26 further clarification. There are no initials or names of the person(s) who made entries into the
27 record. ///

28

1 177. On April 29, 2016, Grover presented for "red eyes" and was diagnosed as having
2 conjunctivitis. The record is illegible regarding what medication(s) were prescribed.

3 178. On May 18, 2016, Grover presented with a history of coughing and sneezing. There
4 is a very limited physical examination. Grover was diagnosed with an upper respiratory infection
5 and bronchitis. He was administered the steroid Vetalog and the antibiotic Baytril, which were
6 not indicated for treatment of bronchitis in young canines. On May 31, 2016, Grover presented
7 for a re-check of his cough. No physical examination was documented and there were no initials
8 or names of the person(s) who made entries into the record.

9 179. On September 10, 2016, Grover presented for a right eye check. This was the third
10 time that he was diagnosed with conjunctivitis. He was again prescribed the steroid Vetalog.
11 There was no referral to a board-certified veterinary ophthalmologist and/or further testing to
12 evaluate his recurrence of conjunctivitis.

13 180. On October 22, 2016, Grover presented for being "sick and throwing up this am."
14 The owner reported finding a "piece of rope on the carpet." It was documented that Grover's
15 abdomen was tender. He was diagnosed with enteritis, although there was no indication he had
16 an infection. Respondent treated Grover with the antibiotic Baytril, which was not recommended
17 for young canines. The owner was charged for an x-ray however, there were no records to
18 demonstrated that an abdominal x-ray had been performed to rule out a foreign body in the
19 abdomen.

20 181. On December 19, 2016, Grover presented for an evaluation of a wart on the left side
21 of his mouth. Grover was placed under anesthesia for removal of the growth diagnosed as a
22 papilloma. No physical examination was documented prior to Grover undergoing anesthesia.
23 The anesthetic drugs are not recorded in milliliters or milligrams, there is no documentation
24 regarding how the procedure was performed and/or the name of the surgeon who performed the
25 procedure. Two different antibiotics were given for the surgery, PPG and Baytril. Pain
26 medications were not administered for or after the procedure. The surgical record ends with the
27 notation "Rx?" The pathology report confirmed that lesion was a viral papilloma, with no
28 reference as to whether the owner was notified with the results.

1 182. On January 13, 2017, Grover presented for “recheck, mouth, breath.” The owner
2 reported that his breath was starting to smell again and that the antibiotics had helped the smell to
3 go away. No physical examination was documented and there were no initials or names of the
4 person(s) who made entries into the record. There was no documentation that Grover had been
5 previously prescribed antibiotics for his breath.

6 **SEVENTY-THIRD CAUSE FOR DISCIPLINE**

7 (Unprofessional Conduct – Record Keeping Violations)

8 183. Respondent is subject to discipline for unprofessional conduct pursuant to Code
9 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Grover
10 failed to include the following:

11 A. The initials or name of the individual who made the entries in the handwritten record
12 for Grover, as required by CCR, title 16, section 2032.3(a)(1).

13 B. Documentation of a complete physical examination/assessment on January 28, 2016,
14 March 5, 2016, May 18, 2016, as required by CCR, title 16, section 2032.3(a)(7).

15 C. Documentation of treatment and intended treatment plan, including medications,
16 dosages and frequency of use, as required by CCR, title 16, section 2032.3, subdivisions (a)(8)
17 and (a)(12).

18 D. Documentation of the name of the surgeon for the surgical procedure on December
19 19, 2016, as required by CCR, title 16, section 2032.3(a)(9).

20 E. The name, address and phone number of the client, as required by CCR, title 16,
21 section 2032.3(a)(2).

22 F. The breed, species, color of Grover as required by CCR, title 16, section 2032.3(a)(4).

23 The facts in support of this cause for discipline are set forth above in paragraphs 174
24 through 181.

25 **SEVENTY-FOURTH CAUSE FOR DISCIPLINE**

26 (Unprofessional Conduct – Failure to Provide Humane Treatment)

27 184. Respondent is subject to discipline for unprofessional conduct pursuant to CCR, title
28 16, section 2032.05, in that he failed to provide humane treatment to Grover in that there was no

1 documentation that he was prescribed any pain medication before, during and/or after the surgical
2 procedure on December 19, 2016. The facts in support of this cause for discipline are set forth
3 above in paragraph 181.

4 **SEVENTY-FIFTH CAUSE FOR DISCIPLINE**

5 (Unprofessional Conduct – Failure to Document Physical Examination Prior to Surgery)

6 185. Respondent is subject to discipline for unprofessional conduct pursuant to Code
7 section 4883, subdivision (g)(3) and CCR, title 16, section 2032.4(b)(1), in that he failed to
8 document a physical examination on Grover prior to his surgery on December 19, 2016. The
9 facts in support of this cause for discipline are set forth above in paragraph 181.

10 **SEVENTY-SIXTH CAUSE FOR DISCIPLINE**

11 (Negligence – Medication Administration and Failure to Refer to Specialist)

12 186. Respondent is subject to discipline for negligence pursuant to Code section 4883,
13 subdivision (i), based on the following:

14 A. On May 18, 2016, he administered the steroid Vetalog and antibiotic Baytril, which
15 were not indicated for treatment of bronchitis.

16 B. On October 22, 2016, he administered the antibiotic Baytril, which is not
17 recommended for young canines.

18 C. On September 10, 2016, Grover presented with his third diagnosis of conjunctivitis in
19 his right eye, which required that he be referred to a board-certified ophthalmologist.

20 The facts in support of this cause for discipline are set forth above in paragraphs 177, 178
21 and 179.

22 **SEVENTY-SEVENTH CAUSE FOR DISCIPLINE**

23 (False and Misleading Advertising and/or Deception)

24 187. Respondent is subject to discipline for false and misleading advertising pursuant to
25 Code section 4883, subdivision (f), and/or for deception pursuant to Code section 4883,
26 subdivision (i), in that he represented that he was a member of the AAHA and that his facility was
27 an AAHA accredited hospital, when such representations were false and misleading. The facts in
28 support of this cause for discipline are set forth above in paragraph 173.

1 **STATEMENT OF FACTS REGARDING “NANUKIK”**

2 188. On August 25, 2015, Pearl P. completed a Patient/Client Information sheet for a 5-
3 week-old canine “Nanukik.” The form had the logo “AAHA- American Animal Hospital
4 Association” in the upper left corner. Respondent has never been a member of the AAHA and his
5 facility has never been an accredited AAHA hospital.

6 189. On August 25, 2015, Nanukik presented for a new puppy examination. She was
7 prescribed Nutrical, a calorie supplement dog food, with no indication for this supplementation.
8 The owner was given a fecal container, with no follow-up as to whether a fecal specimen was
9 collected and sent for testing. There were no initials and/or name of the person making entries
10 into the record for any visit.

11 190. On September 15, 2015, Nanukik presented for the first set of vaccinations. The
12 history note provides that she was “done with Panacur” however, there is no prior notation that
13 this was ever prescribed.²¹ No physical examination was documentation prior to administration
14 of the vaccinations.

15 191. On October 6, 2015 and October 27, 2015, Nanukik presented for vaccinations.
16 There was no documentation that physical examinations had been performed prior to
17 administering these vaccinations.

18 192. On March 15, 2016, Nanukik presented for an ovariohysterectomy procedure. There
19 is no documentation of the name of the surgeon who performed the procedure. There is no
20 documentation of any pain medications be administered before, during or after the surgical
21 procedure.

22 **SEVENTY-EIGHTH CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct – Record Keeping Violations)

24 193. Respondent is subject to discipline for unprofessional conduct pursuant to Code
25 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Nanukik
26 failed to include the following:

27
28 ²¹ Panacur is an oral de-worming medication.

1 A. The initials or name of the individual who made the entries in the handwritten record
2 for Nanukik, as required by CCR, title 16, section 2032.3(a)(1).

3 B. Documentation of a complete physical examination/assessment on September 15,
4 2015, October 6, 2015 and October 27, 2015, as required by CCR, title 16, section 2032.3(a)(7).

5 C. Documentation of the name of the surgeon for the surgical procedure on March 15,
6 2016, as required by CCR, title 16, section 2032.3(a)(9).

7 D. The name, address and phone number of the client, as required by CCR, title 16,
8 section 2032.3(a)(2).

9 E. The breed, species, color of Nanukik as required by CCR , title 16, section
10 2032.3(a)(4).

11 F. Failure to document information regarding deworming, drug dosage or route of
12 administration, as required by CCR, title 16, section 2032.3(a)(8).

13 G. Documentation of assessment and/or diagnosis, prior to performing treatment or
14 procedure as required by CCR, title 16, section 2032.3(a)(10).

15 The facts in support of this cause for discipline are set forth above in paragraphs 189
16 through 192.

17 **SEVENTY-NINTH CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct – Failure to Provide Humane Treatment)

19 194. Respondent is subject to discipline for unprofessional conduct pursuant to CCR, title
20 16, section 2032.05, in that he failed to provide humane treatment to Nanukik in that there was no
21 documentation that he was prescribed any pain medication before, during and/or after the surgical
22 procedure on March 15, 2016. The facts in support of this cause for discipline are set forth above
23 in paragraph 181.

24 **EIGHTIETH CAUSE FOR DISCIPLINE**

25 (False and Misleading Advertising and/or Deception)

26 195. Respondent is subject to discipline for false and misleading advertising pursuant to
27 Code section 4883, subdivision (f), and/or for deception pursuant to section 4883, subdivision (i),
28 in that he represented that he was a member of the AAHA and that his facility was an AAHA

1 accredited hospital, when such representations were false and misleading. The facts in support of
2 this cause for discipline are set forth above in paragraph 173.

3 **STATEMENT OF FACTS REGARDING “AMARUQ”**

4 196. On April 28, 2016, Pearl P. took her 2.5-month-old canine “Amaruq” to Respondent.
5 There was no documentation regarding the owner’s full name, address or phone number. No
6 physical examination was documented on the handwritten record, despite the presenting
7 complaint of diarrhea. Vaccinations were administered. There are no initials or names of the
8 person(s) who made entries in the record.

9 **EIGHTY-FIRST CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct – Record Keeping Violations)

11 197. Respondent is subject to discipline for unprofessional conduct pursuant to Code
12 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Amaruq
13 failed to include the following:

14 A. The initials or name of the individual who made the entries in the handwritten record
15 for Amaruq, as required by CCR, title 16, section 2032.3(a)(1).

16 B. Documentation of a complete physical examination/assessment on April 28, 2016, as
17 required by CCR, title 16, section 2032.3(a)(7).

18 C. The name, address and phone number of the client, as required by CCR, title 16,
19 section 2032.3(a)(2).

20 D. The breed, species, color of Amaruq as required by CCR , title 16, section
21 2032.3(a)(4).

22 E. Documentation of assessment and/or diagnosis, prior to performing treatment or
23 procedure as required by CCR, title 16, section 2032.3(a)(10).

24 The facts in support of this cause for discipline are set forth above in paragraphs 196.

25 **STATEMENT OF FACTS REGARDING “SPORTY”**

26 198. On May 29, 2015, Pete S., completed a Patient/Client Information sheet for his
27 17-year old feline “Sporty.” The form had the logo “AAHA- American Animal Hospital
28 Association” in the upper left corner. Respondent has never been a member of the AAHA and his

1 facility has never been an accredited AAHA hospital.

2 199. On June 13, 2014, Sporty presented for a “recheck after dental.” There is no
3 reference in the records as to any dental procedure having been done prior to this date. There is no
4 documentation of a physical examination and no initials or names of the person(s) who made the
5 entries in the record.

6 200. On May 29, 2015, Sporty presented for dental cleaning under anesthesia. There is no
7 documentation of a physical examination having been performed prior to this procedure. There is
8 no documentation of the name of the provider who performed the dental procedure or if an
9 endotracheal tube was inserted for the procedure. Blood test results were not available prior to
10 the surgery. There was a dental extraction, without reference to which tooth was extracted. There
11 was no pain medication given to Sporty prior to, during or after the dental cleaning and
12 extraction.

13 201. On December 15, 2016, Sporty presented for another dental cleaning and extraction.
14 Blood test results were not available prior to the surgery. Sporty was reported to have lost weight
15 without any evaluation for his weight loss. A physical examination was not documented prior to
16 the procedure.

17 202. There was no documentation of the name of the provider who performed the dental
18 extraction or if an endotracheal tube was inserted for the procedure. Sporty received “Midazolam
19 0.2 IV,” without clarification if this dose was in milligrams or milliliters. Two different
20 antibiotics were used in this procedure, without indication. There was no pain medication given
21 to Sporty prior to, during or after the dental procedures.

22 **EIGHTY-SECOND CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct – Record Keeping Violations)

24 203. Respondent is subject to discipline for unprofessional conduct pursuant to Code
25 sections 4883, subdivision (i), and CCR, title 16, section 2032.3, in that the records for Sporty
26 failed to include the following:

27 A. The initials or name of the individual who made the entries in the handwritten record
28 for Sporty, as required by CCR, title 16, section 2032.3(a)(1).

1 B. Documentation of a complete physical examination/assessment on May 29, 2015, or
2 December 15, 2016, as required by CCR, title 16, section 2032.3(a)(7).

3 C. Documentation of the name of the surgeon for the dental procedures on May 29,
4 2015 and December 15, 2016, as required by CCR, title 16, section 2032.3(a)(9).

5 D. Documentation of the induction medications given to Sporty on December 15, 2016,
6 as required by required by CCR, title 16, section 2032.3 (a)(9).

7 E. The name, address and phone number of the client, as required by CCR, title 16,
8 section 2032.3(a)(2).

9 F. The breed, species, color of Sporty as required by CCR , title 16, section
10 2032.3(a)(4).

11 G. Documentation of assessment and/or diagnosis, prior to performing treatment or
12 procedure as required by CCR, title 16, section 2032.3(a)(10).

13 The facts in support of this cause for discipline are set forth above in paragraphs 199
14 through 202.

15 **EIGHTY-THIRD CAUSE FOR DISCIPLINE**

16 (Unprofessional Conduct – Failure to Document Physical Examination Prior to Surgery)

17 204. Respondent is subject to discipline for unprofessional conduct pursuant to Code
18 section 4883, subdivision (g)(3) and CCR, title 16, section 2032.4(b)(1), in that he failed to
19 document a physical examination on Sporty prior to his dental procedures on May 29, 2015 and
20 December 15, 2016. The facts in support of this cause for discipline are set forth above in
21 paragraphs 200 and 201.

22 **EIGHTY-FOURTH CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct – Failure to Provide Humane Treatment)

24 205. Respondent is subject to discipline for unprofessional conduct pursuant to CCR, title
25 16, section 2032.05, in that he failed to provide humane treatment to Sporty in that there was no
26 documentation that he was prescribed any pain medication before, during and/or after the dental
27 procedure surgical procedure on May 29, 2015 and December 15, 2016. The facts in support of
28 this cause for discipline are set forth above in paragraphs 200 and 202.

1 **EIGHTY-FIFTH CAUSE FOR DISCIPLINE**

2 (False and Misleading Advertising and/or Deception)

3 206. Respondent is subject to discipline for false and misleading advertising pursuant to
4 Code section 4883, subdivision (f), and/or for deception pursuant to Code section 4883,
5 subdivision (i), in that he represented that he was a member of the AAHA and that his facility was
6 an AAHA accredited hospital, when such representations were false and misleading. The facts in
7 support of this cause for discipline are set forth above in paragraph 198.

8 **EIGHTY-SIXTH CAUSE FOR DISCIPLINE**

9 (Unprofessional Conduct – Failure to Establish Veterinarian-Client Patient Relationship)

10 207. Respondent is subject to discipline for unprofessional conduct pursuant to Code
11 section 4883, subdivision (g)(3) and CCR, title 16, section 2031.1(b)(2), in that he failed to
12 document that he had sufficient knowledge of Sporty by way of an examination/assessment to
13 establish a veterinarian-client-patient relationship prior to performing a dental procedure under
14 anesthesia. The facts in support of this cause for discipline are set forth above in paragraph 199.

15
16 **JURISDICTION FOR PETITION TO REVOKE PROBATION**

17 208. This Petition to Revoke Probation is brought before the Veterinary Medical Board,
18 Department of Consumer Affairs under Probation Term and Condition Number One of the
19 Decision and Order *In the Matter of the Accusation Against: Tejapaul Ghumman*, Case No. AV
20 2013 29. That term and condition states: “**Obey all laws.** Respondent shall obey all federal and
21 state laws and regulations substantially related to the practice of veterinary medicine.”

22 209. Respondent violated this term of probation when he submitted a Quarterly Inspection
23 Report under penalty of perjury that attested to his examining and treating patients, performing
24 procedures and managing employees during the months of April through June 2017, when his
25 premises permit had expired on May 31, 2017.

26 ///

27 ///

28 ///

1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
3 Accusation and Petition to Revoke Probation, and that following the hearing, the Veterinary
4 Medical Board issue a decision:

5 1. Revoking the probation that was granted by the Veterinary Medical Board in Case
6 No. AV 2013 29 and imposing the disciplinary order that was stayed thereby revoking
7 Veterinarian License No. VET 10812 issued to Tejpaull S. Ghumman;

8 2. Revoking or suspending Premises Permit No. HSP 4645, issued to Tejpaull S.
9 Ghumman;

10 3. Assessing a fine against Tejpaull S. Ghumman, not in excess of \$5,000 for any of the
11 causes specified in Business and Professions Code section 4883;

12 4. Ordering Tejpaull S. Ghumman to pay the Veterinary Medical Board the reasonable
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions
14 Code section 125.3; and

15 5. Taking such other and further action as deemed necessary and proper.

16 DATED:

January 19, 2018

Annemarie Del Mugnaio

ANNEMARIE DEL MUGNAIO
Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
State of California
Complainant

Exhibit A

Decision and Order

Veterinary Medical Board Case No. AV 2013 29